

Message

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REGION 2 NEWS

Mid Hudson News: Water main installation disrupts Poughkeepsie neighborhoods

A geyser of water erupted from underneath Marshall Street on Monday shooting water 20 feet into the air. New water mains are being installed by Thomas Gleason Inc., a Poughkeepsie -based excavating company. Gleason was assisted at the scene by the city's water and sewer contractor, [Veolia North America](#).

NJ Spotlight News: NJ regulators target JCP&L in wake of Ohio bribery scandal

New Jersey is stepping up its review of Jersey Central Power & Light by ordering a probe of its fiscal stability — a move prompted by credit downgrades of its parent, FirstEnergy Corp. and the utility, in the wake of a bribery scandal in Ohio.

The Sand Paper: Long Beach Township Oyster Shell Recycling Program Wins Leadership Award From DEP

Last week the state Department of Environmental Protection recognized a handful of municipalities, businesses, organizations and individuals during a virtual ceremony celebrating recycling efforts throughout New Jersey. Among those honored was Long Beach Township, which won the "Leadership" award for its "innovative voluntary recycling project that diverts oyster and clam shells from restaurants for use in establishing a research oyster reef in Little Egg Harbor Bay."

Primera Hora: Secretary of Health will offer an update on the pandemic in Puerto Rico

At a time when there is an increase in [COVID-19 cases](#) on the Island and a day before the [Thanksgiving](#) celebration , the Secretary of the Department of Health, [Lorenzo González Feliciano](#) , will offer a press conference today, Wednesday.

NotiCel: Natural Resources does not yet have a plan for the disposal of solid waste

Despite the critical situation of landfills in the country, the Department of Natural and Environmental Resources still does not have a plan for the disposal of solid waste.

Air Quality News: The Clean Air Act saved 1.5 billion birds

A reduction in ozone pollution across the U.S may have saved 1.5 billion birds during the past 40 years, according to a study published in the Proceedings of the National Academy of Sciences.

EHS Today: EPA Proposes Strategy for Advancing Recycling

The federal Environmental Protection Agency (EPA) has proposed an expansive nationwide strategy with the goal of substantially increasing the amount of paper, plastic and metal that is recycled, and is seeking public comment on how it should take final shape.

Caribbean Business (via The Conversation): Keeping indoor air clean can reduce the chance of spreading coronavirus

The vast majority of SARS-CoV-2 transmission occurs indoors, mostly from the inhalation of airborne particles that contain the coronavirus. But in spite of the obvious risks posed by being inside, according to the Centers for Disease Control and Prevention, small household gatherings are driving much of the recent surge in cases.

Metro: RUM trains more than 500 teachers in teaching methodologies and climate change

The Division of Continuing Education and Professional Studies (DECEP) and the Resource Center for Distance Education (CREAD), of the Mayagüez Campus (RUM) of the University of Puerto Rico (UPR), trained 350 teachers in curricular tools and innovative methodologies for teaching Social Studies and 210 on the topic of Climate Change: Activities to develop mitigation and resilience strategies.

Virgin Islands Daily News: Waste management still working to pay debt to contractors

At a time when there is an increase in COVID-19 cases on the Island and a day before the Thanksgiving celebration, the Secretary of the Department of Health, Lorenzo González Feliciano, will offer a press conference today, Wednesday.

Inside EPA: Environmentalists Ask EPA To Expand 1,4-Dioxane Peer Review, Comment

Environmentalists are pressing EPA to conduct a second peer review and expand a short public comment window on its controversial supplement to the agency's draft TSCA evaluation on 1,4-dioxane, which found no unreasonable risks from a host of new consumer uses the agency evaluated, which would preempt looming state action on the chemical if finalized.

Grist: He's bringing solar power to Puerto Rico — and political power to its people

Arturo Massol-Deyá believes solar panels will bring power to the people of Puerto Rico — in more ways than one.

InsideEPA.Com: EPA Defends Chesapeake Bay Response In Bid To End Suits Over Cleanup

EPA is defending its interaction with states struggling to meet cleanup goals for the Chesapeake Bay, arguing to a federal district court that the Clean Water Act (CWA) does not require the agency to take specific actions to ensure the cleanup is completed by a specific date and that its evaluation of state implementation plans is not a final EPA action.

Newsday: Schumer: Biden team must focus on Navy cleanup of Grumman plume

Sen. Chuck Schumer on Sunday called for President-elect Joe Biden's transition team to focus on the Navy's newly aggressive approach to cleanup of the Grumman groundwater pollution plume in Bethpage and address lingering concerns from local water districts.

My Central Jersey: NJDEP names recycling award winners | Gardener State

While the global recycling community continues to face challenges due to weak recycling markets and rising program costs, New Jersey is doing a good job of recycling thanks in part to the efforts of this year's New Jersey Department of Environmental Protection recycling award winners.

Inside EPA: EPA Expands Draft 1,4-Dioxane Evaluation, Sparking Preemption Battle

EPA has expanded its draft evaluation of 1,4-dioxane, finding the presence of the chemical as a byproduct in eight consumer products poses no unreasonable risks that must be regulated under TSCA, a win for consumer product manufacturers who had sought the expanded evaluation to preempt pending state rules.

NATIONAL

Chemicals

Lexology: EPA Evaluates 54 Conditions of Use for TCE, Finding That 52 Present an Unreasonable Risk

Energy

[Environmental Leader: Georgia-Pacific's Mississippi Mill Becomes First US Pulp Mill to Earn EPA's Energy Star Certification](#)

Pollution

[The Hill: EPA sued over rule extending life of toxic coal ash ponds](#)

Waste

[WasteDive: MRF Summit: Despite pandemic setbacks, 2020 shows bright spots for recycling](#)

Water

[TBP: EPA grants \\$3.224 million to protect Arkansas bodies of water](#)

Agency

[EPA Extends TSCA Chemical Data Reporting Deadline to January 29](#)

[Kohl's Named to Dow Jones Sustainability Index for Third Consecutive Year](#)

Pollution

[Coal Ash in Georgia](#)

[Superfund cleanup begins on stretch of Kalamazoo River choked by lake mud](#)

COVID-19

[New BioPledge Bleach And Alcohol-Free Daily Disinfectant Approved By EPA For Use Against COVID-19 Virus](#)

Agriculture

[EPA plans draft risk assessment of ethylene oxide](#)

FULL ARTICLES

REGION 2

Mid Hudson News

<https://midhudsonnews.com/2020/11/25/water-main-installation-disrupts-poughkeepsie-neighborhoods/>

Water main installation disrupts Poughkeepsie neighborhoods

November 25, 2020

A geyser of water erupted from underneath Marshall Street on Monday shooting water 20 feet into the air. New water mains are being installed by Thomas Gleason Inc., a Poughkeepsie -based excavating company. Gleason was assisted at the scene by the city's water and sewer contractor, [Veolia North America](#).

One resident of High Street who saw the water stream said, "It doesn't surprise me. The streets in this neighborhood have been a mess for months. When the workers wrap up for the day, they leave trenches in the roads filled with stone. If they hooked the pipes up the same way they cover the holes, it was bound to happen."

Al Nowak resides on Marshall Street. Work began in front of his house in July. Gleason trenched the road and installed the new main between Washington and Garden Streets. They also installed a new hydrant in front of Nowak's house, leaving the old hydrant in place.

“They dumped slabs of concrete next to the hydrants and put tall orange construction markers with yellow caution tape all along the front of my house. It’s absurd that it’s still like that after four months. The trench in front of my house and driveway has become a muddy mess and getting in and out of my driveway is a challenge to say the least.”

Monday’s break in the main happened in front of the Nowak residence. “This is the first time I’ve had the crew here by my house in months . Unfortunately they weren’t here to fix the mess they created four months ago – they just worked to minimize today’s disaster.”

In January of this year, Gleason began a project to replace water lines on Marshall, Cottage, Garden, and High Streets, along with Balding Avenue. “Our road has been torn up for what seems like an eternity,” said one resident of High Street. The work is slated to be finished in December of this year.

According to City Administrator Marc Nelson, the contract for the project is \$3.75 million for Gleason, a Minority-Women Owned Business Enterprises .

After installation is complete, the pipes will need to be tested, disinfected, and inspected by the health department.

“The project is expected to be completed in December and will provide residents with improved water flow while providing increased safety by having more powerful hydrants to distribute more water in the event of a fire.”

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NJ Spotlight News

<https://www.njspotlight.com/2020/11/nj-regulators-target-jcpl-bpu-first-energy-ohio-bribery-scandal/>

NJ regulators target JCP&L in wake of Ohio bribery scandal

Utility’s finances to be probed after its parent company terminates senior executives and rating agencies issue downgrade

By Tom Johnson

November 25, 2020

New Jersey is stepping up its review of Jersey Central Power & Light by ordering a probe of its fiscal stability — a move prompted by credit downgrades of its parent, FirstEnergy Corp. and the utility, in the wake of a bribery scandal in Ohio.

The downgrades issued earlier this month by two of the top three Wall Street rating agencies followed allegations of FirstEnergy’s involvement in what prosecutors said was a \$60 million racketeering scheme that led to passage of a bill in Ohio awarding subsidies for two nuclear power plants owned by a former subsidiary of the Akron-based energy company.

In New Jersey, the Board of Public Utilities ordered the review of JCP&L’s creditworthiness, following the downgrades. Earlier this fall, the agency had ordered an audit of the state’s second-largest utility, which often has drawn heightened scrutiny of its operations from regulators.

“The credit downgrade of First Energy and its subsidiaries, including JCP&L, resulting from allegations of bribery and malfeasance in Ohio warrants a careful review by the board,” according to an order issued by the

agency. The downgrade of a parent company could have a negative effect on the financial stability of its electric distribution companies' and 'warrants further exploration,' the board said.

"Clearly the troubles of the parent company are weighing down on its subsidiary," said Ben Witherell, the chief economist at the BPU. "The New Jersey subsidiary is financially solid, but the parent company's risks weigh upon that."

For the moment, JCP&L's finances appear to be sustainable, according to BPU staff and its president.

"Our first concern is JCP&L remain financially strong. That does not seem to be a problem," said BPU President Joseph Fiordaliso.

In a mitigation plan the utility submitted to the BPU, JCP&L said its current liquidity and cash on hand are more than sufficient, particularly to address a major concern of regulators that it can pay energy suppliers who provide the power their 1.1 million customers need to keep the lights on.

Big problems in Ohio

The rating agencies were more worried about FirstEnergy, lowering its credit rating to junk status in downgrades released Tuesday or late Friday.

In a note to investors, S&P said its two-notch downgrade reflected the company's termination of its CEO Chuck Jones, and two senior vice presidents for violating the company's policies and code of conduct.

"We view the severity of these violations at the highest level of the company as demonstrative of insufficient internal controls and a cultural weakness," S&P said. "We view these violations as significantly outside of industry norms and, in our view, represent a material deficiency in the company's governance."

The racketeering scandal in Ohio erupted in late summer when the FBI searched the homes of Republican Larry Householder, the former speaker of the Ohio House of Representatives, and four associates, all of whom were indicted on racketeering and public-corruption charges. Two of the former associates have pled guilty; another awaits trial.

FirstEnergy was tied to the investigation as a subsidiary contributed \$60 million to help speed passage of the nuclear subsidy bill.

Meanwhile, last week the head of the commission that regulates Ohio utilities resigned, days after the FBI raided his home. Earlier this month the Ohio Public Utility Commission also ordered an audit of FirstEnergy to determine whether the company abided by separation rules when it spun off its nuclear reactors in 2016.

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The Sand Paper

<https://www.thesandpaper.net/articles/long-beach-township-oyster-shell-recycling-program-wins-leadership-award-from-dep/>

Long Beach Township Oyster Shell Recycling Program Wins Leadership Award From DEP

'Bay to Table to Bay'

By Juliet Kasas-Hoch

November 25, 2020

Last week the state Department of Environmental Protection recognized a handful of municipalities, businesses, organizations and individuals during a virtual ceremony celebrating recycling efforts throughout New Jersey. Among those honored was Long Beach Township, which won the “Leadership” award for its “innovative voluntary recycling project that diverts oyster and clam shells from restaurants for use in establishing a research oyster reef in Little Egg Harbor Bay.”

A few days a week in the summer months and less frequently in the off-season, the township collects mollusk shells from participating area restaurants and takes them to Parsons Mariculture or Stockton University – both of which are partners in the program, along with Jetty and the Jetty Rock Foundation. The shells cure for six months before they are set with spat – baby oysters – in mariculture tanks. Then, Stockton vessels deploy them onto a reef site in the bay and monitor their growth and survival.

As Jetty has explained, funding from the Barnegat Bay Partnership “established the Tuckerton Reef in 2016 with aquaculture-set oyster spat on whelk shell and transplanted seed from the Mullica River. The two-acre research site is located in the Middle Grounds area of Little Egg Harbor Bay, with initial and future aquaculture work done by Parsons and the scientific monitoring by Stockton.”

Since 2017, the township has collected 6,000 bushels of shell from local restaurants. Currently, there are 18 participating establishments, with plans to add more in 2021.

Long Beach Township Mayor Joseph Mancini noted, “We are the only municipality in New Jersey to put resources behind recycling shell, diverting this material from the landfill and getting it back into the bay where it belongs.”

“2020 was a tough year,” said LBT Sustainability Coordinator Angela Andersen, “but many of our restaurants managed to stay in the recycling program despite all the challenges. There is such great dedication to making this program continue to succeed.

“There is an ever-growing number of oyster farms in the bay,” she added, “and the volume of local shellfish coming to our tables locally is inspiring. The shell recycling is closing the loop on this amazing success story,” which sees the shells go from “bay to table to bay.”

“I commend the award winners for their innovative efforts to promote recycling and educate their communities about the importance of diverting waste,” DEP Commissioner Catherine R. McCabe stated. “New Jersey has been a national leader in recycling for many years, thanks in part to the types of initiatives we see from our recycling award winners and those who follow their excellent examples. Their work helps protect our environment by keeping communities clean and reducing the impacts of climate change.”

“We proudly recognize these award winners for their diligent work to keep New Jersey’s environment clean and healthy,” said Paul Baldauf, assistant commissioner for air quality, energy and sustainability. “Every year our winners show us the value of recycling and its importance to the environment. We hope promoting their accomplishments will inspire others to adopt better recycling practices.”

In 2021, the township aims to grow the program not only with additional restaurants on board, but also by creating drop-off locations, expanded restoration education and opportunities, more-frequent outreach events and increased fundraising.

And, as Mancini remarked, “We look forward to further engaging the community, and our participating restaurants and their staff, in the coming year through our new facility in Holgate,” a science education center that will additionally serve as a launching point to visit the man-made oyster reefs.

In 1987, New Jersey became the first state to enact legislation that requires recycling in residential, commercial and institutional settings, achieving an overall recycling rate of 60 percent in 2017. The DEP administers a number of grant and educational programs to help improve the statewide recycling rate, and urges all residents to participate in their local recycling program, and to do their part to keep unacceptable materials – such as plastic bags, trash, propane tanks and used syringes – out of curbside and workplace recycling bins.

For more information about recycling in New Jersey, visit nj.gov/dep/dshw/recycling, or the Association of New Jersey Recyclers site at anjr.com.

To learn more about the LBT Oyster Shell Recycling Program and to support the project, visit followtheshell.com. —J.K.-H.

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Primera Hora

<https://www.primerahora.com/noticias/gobierno-politica/notas/secretario-de-salud-ofrecera-actualizacion-sobre-la-pandemia-en-puerto-rico/>

Secretary of Health will offer an update on the pandemic in Puerto Rico

It was reported that Lorenzo González will speak today at a press conference.

November 25, 2020

At a time when there is an increase in [COVID-19 cases](#) on the Island and a day before the [Thanksgiving](#) celebration, the Secretary of the Department of Health, [Lorenzo González Feliciano](#), will offer a press conference today, Wednesday.

Through a call it was reported that González Feliciano will speak at 10:00 in the morning at the Convention Center in San Juan.

The secretary is expected to update the data on the pandemic in Puerto Rico.

Due to the increase in infections, the health authorities exhorted the population to stay in their homes - with the members of their family nucleus - during this festive season.

The most recent data from the Department of Health indicate that 47,345 confirmed cases of COVID-19 have been reported on the island since the start of the pandemic in March. Among those cases is the same secretary, who tested positive in mid-October.

Deaths from the disease reached 1,052 today, according to the agency.

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NotiCel

<https://www.noticel.com/gobierno/ahora/top-stories/20201125/recursos-naturales-todavia-no-cuenta-con-un-plan-para-la-disposicion-de-desperdicios-solidos/>

Natural Resources does not yet have a plan for the disposal of solid waste

The agency is about to finalize the ash disposal regulations and is preparing for the reopening of the Camuy Caverns next January.

By Cynthia López Cabán

November 25, 2020

Despite the critical situation of landfills in the country, the Department of Natural and Environmental Resources still does not have a plan for the disposal of solid waste.

The agency also does not have its own staff to clean the beaches and is in the middle of a complicated negotiation to change the onerous clauses, which contains the contract with the company in charge of establishing its electronic permit system, while it works on the opening of Las Cavernas de Camuy and looking for alternatives to reopen the Mayagüez Zoo.

Yesterday, during the seventh day of the government transition hearings, the Secretary of Natural Resources, Rafael Machargo Maldonado, explained that he received an allocation of \$ 40 million from the federal Environmental Protection Agency (EPA, for its acronym in English) to prepare a new Solid Waste Characterization Study or "master plan", which will serve as the cornerstone for the garbage management plan.

"The previous study is 10 years old," said the official.

In Puerto Rico 5.56 pounds of garbage are generated per person per day, according to the Planning Board. This figure exceeds the amount of solid waste that is generated in other places, such as Florida (5.37), New York (4.1), and Bogotá (2.95).

At present, only between 8 and 10% of the solid waste produced on the island is recycled, despite the fact that the recycling rate should be 35%, according to current statutes.

Although Machargo Maldonado avoided going into the issue of the useful life of landfills "because that varies" and can be extended with a lateral extension, there are studies that suggest that some of these deposits would have to close in the next two years if they are not taken urgent measures.

"When they open, they all have a closing plan. When you speak you have to be cautious. There are measures to extend its useful life... Each landfill has a different life span. This is not a static thing," he insisted.

It noted that only six or seven private landfills were compliant with federal regulations imposed by the EPA and that 11 landfills had closure orders from the EPA. Another seven fail to comply with environmental statutes. He did not offer the number of landfills on the island, but official data indicate that there are 29.

In the middle of his question time, the president of the Incoming Government Transition Committee, Ramón Luis Rivera Cruz, raised the possibility of establishing solid waste processing plants that use combustion mechanisms ("waste to energy") to alleviate the problem of garbage management.

All these scenarios, according to Machargo Maldonado, would be evaluated as part of the solid waste disposal plan.

Later in the press conference, Rivera Cruz explained that he was thinking of small plants throughout the Island.

"When we talk about 'waste to energy' plants, we are not talking about gigantic plants like the one proposed at one point in Arecibo. We are talking that the management plans must contain reuse and recycling because that way you are reducing the footprint of the waste that you have to take to the landfill. So what remains is what would happen to the landfill and the occasional plant that can be 'waste to energy', can be a biodigester. There are different small alternatives ", he answered questions from NotiCel.

"There are also plants that are very friendly to the environment. It is a matter of knowing the technology and the correct size," he added.

Along these lines, Machargo Maldonado assured that at this time there is no "classic" proposal for "waste to energy" before the DNER is considered.

"Regarding 'waste to energy' my position is that any project that is submitted is going to be evaluated that it complies with the Law, that it minimizes pollution, that it addresses situations and, obviously, once the management plan is worked out, it has to whether or not this type of project is contemplated within the

management plan The management plan has not yet been worked on, so here the Government of Puerto Rico will establish its public policy regarding 'waste to energy,' he said.

The employee deficit

But in addition to the solid waste problem, the agency grapples with an employee shortage caused by incentivized retirement laws.

Machargo Maldonado, who took over the reins of the agency last March amid the Covid-19 pandemic, mentioned that he hired temporary employees after he ran out of employees for the beach cleaning brigades.

"All but one took the retreat," he said.

To avoid a repeat of this situation and remain "without an agency and without historical memory," he warned that 574 employees could benefit from the withdrawal window of Law 80, which the Government recently froze due to differences with the Fiscal Control Board. The DRNA has 1,096 career employees.

In addition to these difficulties, the agency has not been able to hire 65 temporary employees for the solid waste program that would be covered with federal funds due to the electoral ban. Those hires will be pending for next year.

He also pointed out that he rescued the Committee of Experts on Environmental Change, but that this important initiative does not have a budget and that he hopes to publish the Regulations for the management and commercial use of coal combustion waste before the end of the four-year period.

He explained that the agency held two virtual hearings and is now waiting for the examining officer's recommendations to disclose the final regulations.

The onerous contract

Machargo Maldonado explained that he inherited a contract with XUVU Technologies, a company contracted to establish the digital system that would process the permits granted by the agency and that would charge a cost to citizens who use said service.

But he stressed that this contractual agreement contains clauses that would oblige the agency to pay onerous penalties of \$ 50,000 per month for breach of contract and that would increase if the agency raises any objections. Faced with this situation, he consulted with the Department of Justice, which recommended renegotiating said agreement.

"The contract requires that they work together to establish the program and if the contractor understands that the Department is breaching its contract duty, these clauses could be activated," he pointed out to questions from the press.

"As is he cannot continue. We understand that the contract in principle is beneficial. They recommended that if these clauses could be renegotiated, we can continue with the contract," he added.

Due to the dispute, the project is on hold.

Crown jewel

After Hurricane María, the three Blue Flag beaches lost their accreditation and have not recovered it, but the DNER is working to reopen the Cavernas del Río Camuy next year and the Mayagüez Zoo.

For the reopening of the Río Camuy Caverns, the agency received the support of the Foundation for Puerto Rico and the Tourism Company, which will acquire the necessary equipment for the park to open its doors.

Until now, the "gradual and partial" opening date is scheduled for next January 15.

He stressed that at this stage, visitors will be offered an adventure "more extreme than they were used to" because they will have to walk about three miles to and from the place. "They are slopes that are quite intense," he commented.

In the case of the zoo, it receives the support of the city council and other non-profit organizations.

"We are evaluating different operational aspects to see which ones are susceptible to public-private partnerships. At the moment we are not contemplating including that, but we are not ruling it out ", he answered questions from the press.

He accepted that the opening of the zoo will not generate enough funds to sustain the operation. Only on food for animals is spent \$ 2 million annually.

But he argued that the "crown jewels": the Cavernas del Río Camuy and the Boquerón resorts in Cabo Rojo and Seven Seas in Fajardo would generate enough revenue to manage the park system without losses.

He mentioned, for example, that the Camuy Caves generated about \$ 1.2 million annually.

For this reason, their resistance to privatizing or transferring the DNER parks to public-private alliances, despite the suggestions of some members of the Incoming Government Transition Committee to explore these alliances with city councils or non-profit organizations.

"Any proposal to look at the assignment or concession of certain aspects of the program has to ensure that the income of the program is safeguarded to manage a system around Puerto Rico," he said.

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Air Quality News

<https://airqualitynews.com/2020/11/25/the-clean-air-act-saved-1-5-billion-birds/>

The Clean Air Act saved 1.5 billion birds

By Pilla Neill

November 25, 2020

A reduction in ozone pollution across the U.S may have saved 1.5 billion birds during the past 40 years, according to a study published in the Proceedings of the National Academy of Sciences.

To examine the relationship between bird abundance and air pollution, researchers from Cornell University, New York, tracked the monthly changes in bird abundance, air quality and regulation in over 3,000 U.S counties over a 15 year period.

The research suggested that ozone pollution is the most detrimental air pollutant to small migratory birds, such as sparrows and finches, which make up 86% of all North American bird species.

Ozone directly harms the bird's respiratory systems while also indirectly harming their food sources.

Bird populations in North American have declined by nearly 3 billion birds since 1970 and according to this study, without the regulations and ozone-reduction efforts of the Clean Air Act, a further 1.5 billion birds may have been lost.

That's nearly 20% of birdlife in the United States today.

Ivan Rudik, the lead author of the study, said: ‘Our research shows that the benefits of environmental regulation have likely been underestimated.

‘Reducing pollution has positive impacts in unexpected places and provides an additional policy lever for conservation efforts.’

Professor Amanda Rodewald added: ‘Not only can ozone cause direct physical damage to birds, but it also can compromise plant health and reduce numbers of the insects that birds consume.

‘Not surprisingly, birds that cannot access high-quality habitat or food resources are less likely to survive or reproduce successfully. The good news here is that environmental policies intended to protect human health return important benefits for birds too.’

In related news, earlier this year, Air Quality News explored the worrying link between certain air pollutants and our declining natural environment.

Kevin Hicks, research associate at the Stockholm Environment Institute and an expert in this field told Air Quality News: ‘Air pollution is a major driving force changing the natural environment. It is changing the basic structure and function of ecosystems.’

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EHS

<https://www.ehstoday.com/environment/article/21148718/epa-proposes-strategy-for-advancing-recycling>

EPA Proposes Strategy for Advancing Recycling

Public comment sought on how to boost the amount of paper, plastic and metal recycled.

By David Sparkman

November 24, 2020

The federal Environmental Protection Agency (EPA) has proposed an expansive nationwide strategy with the goal of substantially increasing the amount of paper, plastic and metal that is recycled, and is seeking public comment on how it should take final shape.

The EPA’s draft National Recycling Strategy sets out three major objectives: reducing contamination in the recycling stream; increasing efficiency at recycling facilities; and improving markets for recycled feedstock, which is needed to create a stronger, more resilient U.S. municipal solid waste recycling system.

“Over the last two years, we’ve heard from our partners about the challenges facing our nation’s recycling system, and in particular for municipal solid waste recycling” said EPA Administrator Andrew R. Wheeler when introducing the strategy. “Our strategy aims to move recycling in America forward by identifying actions that all of us—governments, non-profits, private industry and the public—can take together.”

In a statement Wheeler issued on Nov. 15 to mark America Recycles Day, he said, “Recycling is a critical component of the U.S. economy, supplying about 700,000 jobs and \$37 billion in wages.” He added that the system is being stressed by “confusion about what materials can be recycled; recycling infrastructure that has not kept pace with today’s diverse and changing waste stream; reduced markets for recycled materials; and varying methodologies to measure recycling system performance.”

In the presidential proclamation issued to commemorate America Recycles Day, President Trump pointed out that about 68 million tons of municipal solid waste are recycled annually, representing a steady increase over

the last 50 years. Contributing to this recycling effort, in 2018, the federal government diverted more than 50% of waste from its operations to recycling and recovery, rather than to landfills, he added.

“Reducing waste protects our natural resources, supports manufacturing and preserves the extraordinary beauty of our country—and it can provide remarkable economic opportunities for our citizens,” Trump declared. “The United States continues to be a world leader in commerce while also setting the global standard in reducing waste.”

Wheeler also hosted the EPA’s second annual America Recycles Summit held two days later, where he used the occasion to announce the administration’s National Recycling Goals, which also are embodied in the strategy.

In his remarks, he described how the draft strategy identifies actions designed to address challenges to recycling:

Reduce contamination in the recycling stream. Wheeler explained that the goal is to make sure that clean recyclable materials can be processed and made into new products. “The idea is to go back to the basics, recycle empty and dry cans, paper and clean cardboard, and keep food and liquids out of the recycling bins. No plastic bags or wraps should be in recycling bins; they should instead have separate recycling bins at participating grocery and retail stores.”

Increase processing efficiency. This will be achieved through improvements and update operations at Materials Recovery Facilities (MRFs) and at the collection level, Wheeler said. “We need to invest in new equipment upgrades and expand access to curbside recycling for more Americans.”

Strengthen markets for recycled materials. The intention is to help ensure manufacturers make more products using recycled materials and to take creative measures to bolster public demand for them.

“Each of these objectives covers a critical area that, if improved, would increase the performance of the entire recycling system,” Wheeler argued.

Strategic Goals

Nicole E. Bothwell, an attorney with the law firm of Squire Patton Boggs, said it should be noted that the scope of EPA’s authority to directly regulate recycling activities is unclear, although recycling has long been a component of the agency’s implementation of the Resource Conservation and Recovery Act (RCRA).

However, under the Trump administration several federal agencies have worked closely with EPA to meet these goals, and their top administrators were at the summit and used the occasion to comment favorably on EPA’s actions.

Bothwell fleshed out some of the strategy’s objectives. To reduce contamination in the recycling stream, one focus of the draft strategy involves increasing public awareness of the mechanics of recycling as well as the economic benefits of recycling. She pointed out that part of this effort includes improving the consistency of labeling on recyclable products to reduce consumer confusion about what products can be recycled.

The draft strategy also includes plans to analyze state and local policies that have already been implemented to address contamination issues. “It sets forth objectives that are ambitious but largely preliminary,” Bothwell said.

These include improving understanding of available domestic recycling infrastructure and needs, increasing awareness of available funding and incentives, and developing and implementing national recycling system definitions, measures, targets and performance indicators. When they are developed, such concrete metrics would provide needed guidance to industry in regard to the potential for regulatory burdens associated with EPA’s recycling program, she stressed.

To improve domestic markets for recyclable materials and recyclable products, the draft strategy proposes conducting market development workshops among stakeholders on actions that can be taken to strengthen markets for recycled materials at both the regional and local levels. It also aims to increase manufacturing use

of recycled material feedstock and to increase the demand for recycled materials by identifying barriers and developing incentives and policies to address those barriers.

The draft strategy is still largely undeveloped in terms of concrete requirements intended to accomplish its broad goals, and it is possible EPA may look to policies developed by the states for guidance, Bothwell suggested. In addition to enacting laws banning plastic bags and plastic straws, states also recently have focused on efforts to increase the use of recycled material through minimum recycled content mandates applicable to manufacturers.

For example, California recently passed AB 793 to require that products such as plastic beverage containers be composed of a minimum percentage of recycled material, beginning with 15% in 2022 and increasing to 25% in 2025 and 50% in 2030. New Jersey and other states are considering similar legislation.

“While the draft strategy sets sweeping goals to grow domestic recycling capacity and improve markets for recycled materials, it offers little in the way of specific plans or future policies,” Bothwell stated. Although she doesn’t say so, that may turn out to be the reason why it could survive beyond 2020 into a Biden Administration, which is sure to make major changes to other aspects of the Trump Administration’s environmental policies.

EPA’s draft National Recycling Strategy remains open for public comment through Dec. 4, 2020, with the intention of having it finalized in early 2021. [Click here](#) to read the strategy document and provide comments.

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Caribbean Business (via The Conversation)

<https://caribbeanbusiness.com/keeping-indoor-air-clean-can-reduce-the-chance-of-spreading-coronavirus/>

Keeping indoor air clean can reduce the chance of spreading coronavirus

By Shelly Miller, Professor of Mechanical Engineering, [University of Colorado Boulder](#)

November 24, 2020

The vast majority of [SARS-CoV-2 transmission occurs indoors](#), mostly from the inhalation of airborne particles that contain the coronavirus. But in spite of the obvious risks posed by being inside, according to the Centers for Disease Control and Prevention, [small household gatherings](#) are driving much of the [recent surge in cases](#).

The best way to prevent the virus from spreading in a home would be simply to keep infected people away. But this is hard to do when an estimated [40% of cases are asymptomatic](#) and asymptomatic people can [still spread the coronavirus to others](#). Next safest is [to entertain outside](#), but if you can’t, there are a few things you can do to reduce the risk of spreading the coronavirus.

First – and [most important](#) – always wear masks, make sure everyone stays at least 6 feet away from other people and don’t spend too much time indoors. But in addition to these precautions, making sure the air inside is as clean as possible can also help. I am an [indoor air quality researcher](#) who studies how to reduce the [transmission of airborne infectious diseases](#). Using [increased ventilation](#) or running an [appropriately sized air cleaner or filter](#) can add an extra layer of protection.

Fresh air is safer air

A safer home is one that constantly has lots of outside air replacing the stale air inside.

Homes are typically ventilated through open windows or doors, or from air leaking in through unintentional openings and cracks in the building itself. A typical air exchange rate for a home is around 0.5 air changes per hour. Because of the complicated way air moves, that translates into taking about two hours to replace two-thirds of the air inside an average home, and about six hours to replace all of it.

This slow air exchange is not good when you want to limit the spread of an airborne virus. The higher the ventilation rate the better – so how much fresh air is ideal? While the exact exchange rate depends on the size of a room, as an example, a 10-by-10-foot room with three to four people inside should have at least three air changes an hour. In a pandemic this should be higher, and the World Health Organization recently recommended six air changes per hour.

Knowing the exact air exchange rate for your home isn't necessary; just know that more is better. Thankfully, increasing the ventilation of a house or apartment is easy.

Open as many windows as you can – the larger the opening the better. Open doors to the outside. Run the exhaust fans in your bathroom and above the stove – though only do this if the exhausts go to the outside and if you also have a window or door open. Additionally, you can place fans in open windows and blow the inside air out to even further boost your air flow.

I live in Colorado, and the winter cold has arrived. I still think it is worth it to have windows open, but I open them only about halfway and turn on the heaters in my house. This wastes energy, but I keep the time I have to do this to a minimum, and once visitors leave, I keep the windows open for at least an hour to completely air out the house.

All of these things add up and increase ventilation.

Filtration as a backup

If you are worried that your home ventilation is still too low, air filtration can offer another layer of safety. Much the way an N95 mask works, running air in your home through a filter with small openings can capture airborne particles that could contain the coronavirus.

There are two ways to filter air in a home: using a built-in system – like central heating, for example – or using stand-alone air cleaners.

In my home, we use both air cleaners and our heating system to filter the air. If you have central heating, make sure your furnace filter has a minimum efficiency reporting value (MERV) of at least 11. This value describes how effective a filter is at removing airborne particles and contaminants from the recirculated air. The standard on most furnaces is a MERV 8 filter and many furnaces are not capable of running with a more efficient filter, so make sure to check your filter and ask a technician before replacing it. But a MERV 8 filter is better than no filtration at all.

You can also use a stand-alone air cleaner to remove airborne particles, but how effective they are depends on the size of the room. The bigger the room, the more air needs to be cleaned, and stand-alone cleaners are only so powerful. My home has an open floor plan, so I can't use my air cleaner in the main living space, but it can be helpful in bedrooms or any other smaller enclosed spaces. If you consider buying an air cleaner, I worked with some colleagues at Harvard to build a tool that can be used to determine how powerful an air cleaner you need for different room sizes.

And don't forget to also consider how effective an air cleaner's filter is. Your best option is a cleaner that uses a high-efficiency particulate air (HEPA) filter, as these remove more than 99.97% of all particle sizes.

If you decide to share your home with others in the coming months, remember that being outside is by far the safest. But if you must be inside, shorten the length of time your guests stay, wear masks and socially distance at all times. In addition to these precautions, keeping air flow high by opening windows as wide as possible, driving more air into your home with exhaust fans and using air cleaner and filters can help further reduce the chance of spreading the coronavirus.

Metro

<https://www.metro.pr/pr/estilo-vida/2020/11/24/rum-capacita-a-mas-de-500-maestros-en-metodologias-de-ensenanza-y-cambio-climatico.html>

RUM trains more than 500 teachers in teaching methodologies and climate change

They offer a series of trainings to train teachers from the island

November 24, 2020

The Division of Continuing Education and Professional Studies (DECEP) and the Resource Center for Distance Education (CREAD), of the Mayagüez Campus (RUM) of the University of Puerto Rico (UPR), trained 350 teachers in curricular tools and innovative methodologies for teaching Social Studies and 210 on the topic of Climate Change: Activities to develop mitigation and resilience strategies.

The trainings, which began in mid-October and last until February, are part of an agreement signed between the Puerto Rico Department of Education (DEPR) and the UPR, in order to strengthen the knowledge and skills of the teachers of the system. education public of the country.

"These continuing education experiences for educators are facilitated completely at a distance, mainly due to the health emergency caused by COVID-19 worldwide. At the RUM, we are extremely committed to the teachers of Puerto Rico. Our interest is to provide a high quality and flexible continuing education process, taking into consideration the current situation and the commendable efforts to bring knowledge to its students ", indicated Dr. José R. Ferrer López, director of DECEP and CREAD.

Training related to teaching in Social Studies uses the asynchronous mode. The resources were doctors José Encarnación and José Anazagasty, from the UPR Humacao and the RUM, respectively.

"Both have vast experience, both in the content and in the teaching processes of this discipline," he commented.

He added that the topics of that training included: 21st Century Skills, Design Thinking, Gold Standards for Project-Based Learning, Social Entrepreneurship with the Canvas Business Model, Neurolearning, and the effective use of Microsoft Teams in processes. educational, among others.

"This training is facilitated through the Institutional Learning Management System (Moodle) of the UPR, in a completely asynchronous way for greater flexibility in consideration of teachers", he added.

For the training associated with climate change, it was offered synchronously by videoconference. This training was coordinated and developed by the UPR Sea Grant, based at the RUM. Dr. Delmis Alicea, from the aforementioned entity, was the resource.

This collaboration agreement between the UPR and the DEPR, reiterates the mission of the University with the educational processes at all levels.

For his part, Dr. Jorge Haddock, the president of the UPR, highlighted that "through this initiative, the University of Puerto Rico makes its resources available to the country in order to promote the solution of environmental and social problems, as well as the teaching and learning experience of our teachers and children in the public education system. This project has a significant impact for our students, as well as for the communities in the short and long term. We appreciate the trust placed in the main educational and scientific center of the Island to carry out the task ".

“At the Mayagüez Campus, we are always available to collaborate and facilitate knowledge and skills that help improve academic achievement. For that reason, we make the best of the best of our resources available to the Department of Education. We are pleased to host these trainings that we know will result in better practices in the teaching-learning process,” said Dr. Agustín Rullán Toro, rector of the RUM.

All the courses developed at CREAD use the Multi Strategic Model for Effective Online Teaching, an educational model for distance courses developed by Dr. Ferrer López. Meanwhile, the DECEP of the RUM is characterized by being an important entity within the community for the development of citizens who are lifelong learners.

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Virgin Islands Daily News

http://www.virginislandsdailynews.com/news/waste-management-still-working-to-pay-debt-to-contractors/article_08a2f77f-37bf-5299-a928-a711abf48540.html

Waste management still working to pay debt to contractors

By Suzanne Carlson

November 24, 2020

The V.I. Waste Management Authority said Tuesday that officials are in the process of paying overdue debts to contractual waste haulers, amid reports of a planned strike by workers.

“It’s unfortunate that our waste haulers only get attention when they halt collections,” Sen. Donna Frett-Gregory said in a statement issued Tuesday. “These are hard working men with families to support who come out every day to make sure our trash is picked up.”

Frett-Gregory and Sen. Kurt Vialet sponsored a bill that set aside \$15 million for the authority to pay its outstanding debt, a chronic issue that has resulted in numerous work stoppages by haulers in the past.

Since Gov. Albert Bryan Jr. signed the legislation into law in late October, “almost every solid waste service provider who performed services since the Authority’s inception has contacted our Solid Waste or Finance division and made some claim of outstanding accounts payable owed to their company,” Waste Management Authority spokeswoman Melody Rames said in a news release Tuesday.

The Waste Management Authority was created in 2004.

Within 10 days of the law’s passage last month, the authority was required to compile a list of all contractors who are owed payment, and the amount of that debt, and submit it to the Office of Management and Budget, and provide a report to the Legislature no later than 30 days after the funds appropriated have been allotted, according to the news release.

“VIWMA has been in constant communication with OMB to ensure that approved invoices for all vendors will be finalized and submitted for payment within the timeframe outlined in the bill,” Rames wrote.

Rames did not respond to questions from The Daily News about the current dollar amount owed to contractors, or what the government plans to do in the event of a strike over the Thanksgiving holiday.

While the government’s debt to solid waste service providers has been estimated to be as high as \$30 million, the exact figure has been difficult to pin down, Board Chairman Keith Richards testified at a Senate hearing in October.

“Part of our shortcoming in the authority has been our inability to resolve the numbers with our vendors and contractors,” Richards said. “I don’t think, to date, we actually have [as good] a handle as we should of how much of the debt is legitimate, or how much is appropriate, or how much we can support and validate once we start paying out millions of dollars.”

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Inside EPA

<https://insideepa.com/tsca-news/environmentalists-ask-epa-expand-14-dioxane-peer-review-comment?s=na>

Environmentalists Ask EPA To Expand 1,4-Dioxane Peer Review, Comment

November 24, 2020

Environmentalists are pressing EPA to conduct a second peer review and expand a short public comment window on its controversial supplement to the agency’s draft TSCA evaluation on 1,4-dioxane, which found no unreasonable risks from a host of new consumer uses the agency evaluated, which would preempt looming state action on the chemical if finalized.

In a [Nov. 23 letter](#) to exiting toxics chief Alex Dunn, the groups charge that failing to grant a 40-day public comment extension and additional peer review by the Science Advisory Committee on Chemicals (SACC) would violate the agency’s rules and key statutes.

They also charge that the abbreviated review schedule is unfair, given that the agency recently granted an industry request to extend the comment deadline on a [revised draft assessment](#) the agency issued under the Toxic Substances Control Act (TSCA) for pigment violet 29 (PV29) -- which strengthened the agency’s initial findings -- even though PV29 has fewer uses and effects far fewer people than dioxane.

The groups argue that the supplement presents entirely new analyses since EPA released its [first draft evaluation](#) in June 2019, and as such should undergo peer review and extended public scrutiny.

“The supplement represents a major expansion in the scope of the 1,4-dioxane risk evaluation. EPA has for the first time evaluated consumer exposures, adding eight conditions of use involving types of consumer products in which 1,4-dioxane is present as a byproduct,” states the letter, from groups including Safer Chemicals Healthy Families, Earthjustice, Environmental Defense Fund, Environmental Working Group, Natural Resources Defense Council, and North Carolina Black Alliance, among others.

“EPA has also for the first time evaluated general population exposures to ambient water via recreational swimming and fish consumption.”

But the group says this is the first time that EPA has provided only 20 days for public comment on a TSCA evaluation. “This abbreviated comment period is without precedent for TSCA risk evaluations,” the letter states. “A 20-day comment period would violate EPA’s risk evaluation rule, as well as the provisions of TSCA and Administrative Procedures Act requiring a minimum of 30 days for public comment.”

EPA released Nov. 19 its [expanded draft evaluation](#) of 1,4-dioxane, one of the first 10 substances under evaluation since Congress reformed TSCA in 2016 that agency officials have pledged to evaluate by the end of the year.

The chemical is widely used as a stabilizer for chlorinated solvents, as well as in building materials, degreasers, and to make soaps and detergents, among other uses. The new draft supplement finds the presence of the

chemical as a byproduct in eight consumer products poses no unreasonable risks that must be regulated under TSCA and also that 1,4-dioxane in surface waters used for recreation poses no risk.

The chemical's presence as a byproduct stems from ethoxylation, a process used to make the products less harsh, which leaves 1,4-dioxane as a byproduct in soaps, detergents and other consumer products.

A final decision from EPA that the chemicals present no unreasonable risk would, under TSCA, preempt states from regulating it under the conditions of use the agency evaluated.

State Preemption

As such, the expansion and draft conclusions represent a win for consumer product manufacturers who had urged EPA to expand the evaluation to preempt pending state rules as states like California and New York have been working to regulate the presence of 1,4-dioxane as a byproduct in consumer products.

As a result, the agency's draft findings drew quick praise from industry groups, such as the Consumer Brands Association (CBA), which along with the American Cleaning Institute asked EPA in July 2019 to expand the draft evaluation to assess such risks.

"The EPA's supplemental evaluation on 1,4 dioxane proves that that agency can be nimble when a state patchwork of policies begins to emerge," says Mike Gruber, CBA's vice president of regulatory and government relations.

But the environmentalists note that EPA's conclusions "are controversial and depart from other assessments, for example, those of New York and California who are in the process of restricting 1,4-dioxane in consumer products."

"Because these consumer products are widely used, millions of Americans are impacted by EPA's supplemental evaluation. If, as we believe, EPA has significantly understated risks to these consumers, the draft evaluation would fail to result in sufficient protections of public health. And if an effect of the evaluation is to preempt state regulation under section 18 of TSCA, consumers would be denied alternative means of protection," their letter says.

They also point to the contrast with EPA's approach to its issuance earlier in the month of a second draft evaluation of PV29, another of the first group of 10 chemicals EPA has pledged to evaluate under TSCA by the end of the year.

"We note that just last week EPA granted a request from the chemical industry for an extension of the public comment period for the agency's draft risk evaluation for Pigment Violet 29. When it released that supplemental draft on October 30, 2020, EPA provided a 30-day comment period, 10 days longer than the period it has now afforded for 1,4-dioxane. EPA has now granted a 20-day extension for PV29, providing a total of 50 days to file comments. PV-29 has narrower uses and impacts a far smaller population than 1,4-dioxane. Given the importance and complexity of the supplemental evaluation for this substance, we request a 40-day extension, resulting in a total comment period of 60 days, the minimum amount of time required by EPA's TSCA regulations for comment on a risk evaluation."

The groups also note that EPA is concurrently conducting a letter peer review of the second PV29 draft, another way in which EPA's approach to 1,4-dioxane differs.

"EPA's decision to dispense with peer review for the supplemental evaluation, again in contrast to PV29, is irresponsible and further compromises the credibility of the Agency's eleventh hour change of course on this important chemical. The earlier SACC report on the initial draft evaluation was highly detailed and made numerous recommendations for improvement. Now that EPA has broadened the scope of the evaluation to include ambient water and consumer product exposures affecting a broad segment of the US population, further peer review is essential to assure protection of public health. The prior work of the SACC puts it in a strong position to provide EPA with informed and knowledgeable feedback."

Industry's Interests

An environmentalist attorney tells *Inside TSCA* that EPA's differing approaches to the two assessments mirror industry's interests.

"The difference here ... is that in the case of PV29, industry is trying to put on the brakes now because they don't like what EPA did," in the second PV29 draft, which newly found several uses of PV29 present unreasonable risk.

"In the case of 1,4-dioxane, they are pushing as hard as they can on the accelerator because they got what they wanted, and they want it finalized."

The source notes that even if California or New York were able to finalize their regulations on 1,4-dioxane before EPA finalizes its risk evaluation, those state regulations "would probably still be preempted although there might be some workarounds under TSCA."

The source notes that under section 18(a)(1)(B), states are barred "from adopting or continuing to enforce" their own regulations on a use of a chemical for which EPA finalizes a no unreasonable risk finding.

The agency did not, however, evaluate exposure via drinking water, in keeping with similar scoping decisions the Trump EPA has made on the other first 10 evaluations. As a result, the final evaluation would not preempt states from regulating 1,4-dioxane in drinking water.

"EPA's decision leaving "out drinking water [is] consistent with its position across all the evaluations that drinking water is covered is by the Safe Drinking Water Act, and is not going to be addressed under TSCA," the attorney says. "However, this approach is inconsistent with the decision to address surface water discharges in the supplemental evaluation since these discharges, like drinking water, are subject to another environmental law but not being regulated. Both drinking water and surface water should be included in the evaluation." -

- Maria Hegstad (mhegstad@iwpnews.com)

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Grist

<https://grist.org/flix/hes-bringing-solar-power-to-puerto-rico-and-political-power-to-its-people/>

He's bringing solar power to Puerto Rico — and political power to its people

By Brianna Baker

November 23, 2020



Arturo Massol-Deyá believes solar panels will bring power to the people of Puerto Rico — in more ways than one.

Massol-Deyá is associate director of Casa Pueblo, a nonprofit that, since 1991, has installed close to 1,000 solar panels on homes and businesses throughout Adjuntas, a small mountainside town southwest of San Juan. Beyond providing cheap, renewable energy, Massol-Deyá hopes a growing network of microgrids will help Puerto Ricans break their dependence on an unreliable electrical system and a colonial governing structure that has plunged the island into debt, cut social services, and denied residents a voice in federal politics.

The commonwealth depends upon a creaking grid that generates most of its power from fossil fuels and often collapses during natural disasters. Hurricane Maria devastated the island in 2017, leaving 1.5 million residents without electricity. Many were left in the dark for 18 months before power was fully restored, the longest blackout in the nation's history. In the aftermath of the storm, Massol-Deyá and his team mounted rooftop solar panels on 150 homes. When a 6.4 magnitude earthquake rocked Puerto Rico last January, those households' lights stayed on; the rest of the island lost power for more than a week.

In October, Casa Pueblo finished its most ambitious project yet. With funding from a charitable foundation, the Adjuntas Pueblo Solar initiative installed 1,000 new solar panels in the town's central plaza, creating a microgrid that will provide 220 kilowatts of affordable, reliable electricity to 18 stores, restaurants, and warehouses. The businesses pay a governing body, made up of those businesses' owners, to maintain the grid. The resulting profits go toward financing solar panels for low-income families in Adjuntas and paying local residents to install them.

We talked to Massol-Deyá, a 2019 Grist 50 Fixer, about his latest project, why energy independence means political power, and how Puerto Rico is determining its own future, politicians be damned. His comments have been edited for length and clarity.

A boon to business

Casa Pueblo has been wanting to grow beyond residential projects to truly disrupt the fossil fuel industry in Puerto Rico. The plaza has the highest energy demand in Adjuntas and includes a drug store, furniture store, warehouses, hardware store, a pizza place — businesses that create most of the jobs in the area and provide essential services to the community.

Energy contributes to up to 30 percent of these businesses' operating costs. With this microgrid, we're not just providing clean and dependable energy to downtown Adjuntas — we're helping reduce these small businesses' monthly bills. These stores were hit hard by Hurricane Maria, then by this year's earthquake, and now by the pandemic. During the lockdown, small businesses were ordered to shut down, while megastores like Walmart and Walgreens stayed open. It's been very difficult for these independent, family-owned sellers to compete and stay afloat.

But this project is creating a lot of hope. The business owners are holding strong, knowing that things are going to change for the better. Sellers who used to compete with each other are now working together to manage the energy infrastructure. They value solar not just for its ecological benefits, but for its critical role in the local development of Adjuntas and Puerto Rico, and its help in democratizing our energy infrastructure.

Bold ideas from community members

With projects like Adjuntas Pueblo Solar, it's important to transfer decision-making power to the community to allow for self-development. That's why Casa Pueblo helped form the Community Solar Energy Association of Adjuntas, the governing body made up of business owners who both manage and benefit from the microgrid.

When bureaucratic agencies like the Federal Emergency Management Agency swoop in to help with disaster recovery, all they're worried about are standards and protocols. Their hearts aren't invested in the issues that communities are facing. But when people who are impacted deal with the situation, they share a sense of urgency. They know all the ways their neighbors are suffering. They try to do as much as possible with limited resources.

When solutions draw from the knowledge and experience of community members, I think they work way better than those that come from a top-down approach. It's very difficult to define a single solution that will work everywhere. And even if you have a great idea and the best technology, the local culture can be resistant to the change. The businesses involved in Adjuntas Pueblo Solar were skeptical about solar energy at first, but Casa Pueblo has spent years building relationships in the area and was able to earn the owners' trust and help them see the economic benefits. That's why community-driven initiatives, aided by local organizations, work better than top-down approaches.

Redistributing power

Projects like Adjuntas Pueblo Solar can help Puerto Rico break its fossil fuel dependency. Currently, most of the island's energy comes from coal, gas, and oil, which only fuel global warming and make the storms we experience worse. And the island is paying millions a year for that centralized infrastructure, which is poorly maintained — as the blackouts from Hurricane Maria and the earthquake show. If we can create clean energy using the resources that we have within our reach, instead of those outside of our economy, that money can be reinvested in Puerto Rico as a means to build wealth in communities and deal with its socio-economic crisis.

Community-led clean energy projects can also help Puerto Ricans decolonize the island on our own terms. Puerto Rico is a colonial state, meaning we cannot vote for the United States president, and we don't have representation in Congress. We cannot make decisions for the well-being of our people. But at the community level, self-determination can be exercised. If we get organized, and if we build our knowledge and skills and wealth through projects like Adjuntas Pueblo Solar, we can break the cycle of dependency not just on fossil fuels, but also on the federal and local governments that have failed us.

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InsideEPA.Com

<https://insideepa.com/daily-news/epa-defends-chesapeake-bay-response-bid-end-suits-over-cleanup>

EPA Defends Chesapeake Bay Response In Bid To End Suits Over Cleanup

November 23, 2020

EPA is defending its interaction with states struggling to meet cleanup goals for the Chesapeake Bay, arguing to a federal district court that the Clean Water Act (CWA) does not require the agency to take specific actions to

ensure the cleanup is completed by a specific date and that its evaluation of state implementation plans is not a final EPA action.

The agency in a motion to dismiss a pair of coordinated lawsuits from the Chesapeake Bay Foundation (CBF) and the states of Maryland, Virginia and Delaware and the District of Columbia argues that the U.S. District Court for the District of Columbia lacks jurisdiction to hear the suits and that the plaintiffs have failed to state a valid claim under either the CWA and the Administrative Procedure Act (APA).

CBF and the plaintiff states argue EPA has failed enforce the terms of the Chesapeake Bay's landmark cleanup agreement to reduce nitrogen, phosphorus and sediment in the bay and ensure Pennsylvania and New York meet their portions of the cleanup targets.

The lawsuits generally charge EPA with failing under the CWA to require "reasonable assurance" that state cleanup plans, known as watershed implementation plans (WIPs), will be successful, and violating the APA by accepting WIPs from New York and Pennsylvania that will not achieve required nutrient and sediment reductions.

Specifically, they charge that CWA section 117(g) imposes a nondiscretionary duty on EPA to require New York and Pennsylvania to develop and implement phase III WIPs that meet the goals of the bay cleanup agreement. Section 117(g) says EPA "shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain," among other things, nutrient goals.

But EPA in its Nov. 20 motion to dismiss counters that section 117(g) does not impose a date-certain deadline for taking the alleged nondiscretionary action, and that the alleged duty is not a discrete, mandamus-like duty about which EPA has no discretion. "Absent a nondiscretionary duty, the CWA citizen-suit provision's waiver of sovereign immunity does not apply and the Court lacks jurisdiction over that claim," EPA says.

Additionally, regarding the APA claims, EPA says the WIPs are planning documents, and its evaluations of them "are informational only, not intended in purpose or effect to be final agency actions; EPA has no authority or obligation to 'approve' the states' WIPs under the Clean Water Act."

While EPA says it provides each state, and the public, with an assessment of each WIP, the agency does not approve or disapprove the WIP, and its evaluations are not required by statute or regulation.

The plaintiffs' theory, according to EPA, is that the bay cleanup agreement contains a water-quality goal, and CWA section 117(g) allegedly requires EPA to take specific steps to achieve this goal, which means the agency has a nondiscretionary duty to ensure the goals are, in fact, achieved. And because the relevant water quality goal has not been, or will not be, achieved, EPA has therefore failed to perform a nondiscretionary duty.

But "Plaintiffs cannot bootstrap an actionable nondiscretionary duty into existence in this fashion," EPA says, adding that such an approach attempts to read dates that are only in the agreement back into the CWA and create a duty that does not exist on the face of the statute.

The plaintiffs cannot import a nondiscretionary duty from the bay cleanup agreement where none is imposed by section 117(g), and therefore, the court should dismiss the CWA claim from the litigation, the motion says.

EPA Rejects 'Final Action' Claims

Regarding EPA's response to New York and Pennsylvania's phase III WIPs -- where the agency noted shortcomings in the plans but did not impose federal "backstops" -- EPA says its evaluation of the documents is neither "agency action" nor a "final" agency action under the APA.

EPA in the past has taken several "backstop" measures when states' WIPs indicated they would not meet previous interim cleanup targets. For example, EPA imposed a "backstop allocation" for New York because its Phase I WIP failed to demonstrate adequate loading reductions of nitrogen and phosphorus, and the agency

asserted it will maintain enhanced oversight of Virginia's urban stormwater sector as part of the agency's response to that state's Phase II WIP, the states say in their lawsuit.

The agency says its evaluation of New York and Pennsylvania's phase III WIPs is not an agency action under the APA "because the evaluations are planning and advisory documents without legal effect: they do not change the legal obligations of EPA, the states, or regulated entities within the states."

Furthermore, they are not final agency action because they do not have legal consequences and because they are not a "consummation" of any EPA decisionmaking process. The agency's evaluation does not change the WIPs' legal status, force, or effect, nor does it change EPA's, the states', or third parties' obligations or rights, the agency says.

"Given the iterative nature of the states' ongoing planning and implementation of the Bay Agreement's goals -- and the fact that the states' implementation of the actions set out in their WIPs are completely within the states' purview -- EPA's evaluation of the Phase III WIPs is not its final say on whether those goals will be achieved or maintained," the agency says.

The evaluations are to inform the bay states as to the progress and the strengths and shortcomings of their plans, and both New York and Pennsylvania have committed to revising their WIPs in light of EPA's recommendations, EPA says. "Accordingly, EPA's evaluation and its alleged failure to impose, therein, federal backstop measures is not final for purposes of judicial review."

"The fact that EPA has, in the past, announced that it could take federal backstop measures in its evaluation of WIPs -- or actually *did* take such measures after its evaluation--does not change the character of the evaluations at issue here," the agency adds. "Although the accountability framework envisions that EPA has discretion to take federal backstop measures, it does not require EPA to take such action."

EPA says New York has shared a draft amended Phase III WIP with EPA that aims to close the gap between the nutrient reductions provided for in its earlier plan and those needed to meet the cleanup agreement's goals. Similarly, Pennsylvania in its phase III WIP committed to a process to revisit and revise its WIP to put in place the controls necessary to achieve the 2025 phosphorus and nitrogen targets through its two-year milestone process and by completing the remaining County Action Plans, the agency says.

Both New York and Pennsylvania's planned WIP revisions will be completed well before the bay agreement's 2025 target, EPA says.

New York Aims To Intervene

New York is seeking to intervene in the litigation as a defendant, telling the district court in a Nov. 18 motion that if the plaintiffs are successful, "New York would face additional regulatory action by EPA, adversely affecting economic activities in New York in the agricultural, land development and wastewater sectors."

While both New York and EPA share an interest in defending New York's WIP, their interests are not the same because New York's interest is solely to defend its plan while EPA may have discretion to impose additional requirements on New York such as stormwater effluent limitations or other "backstop" measures that plaintiffs seek, the state says.

While the plaintiffs have asked the court to extend their response deadlines to EPA's motion until Jan. 12, CBF President William Baker issued a Nov. 20 statement saying CBF is "disappointed, but not surprised, that EPA continues abdicating its responsibilities under the Clean Water Act."

Baker said CBF is confident that the court will uphold the legal framework of the cleanup plan, "as it has done in the past, and require EPA to do its job." -- *Lara Beaven* (lbeaven@iwpnews.com)

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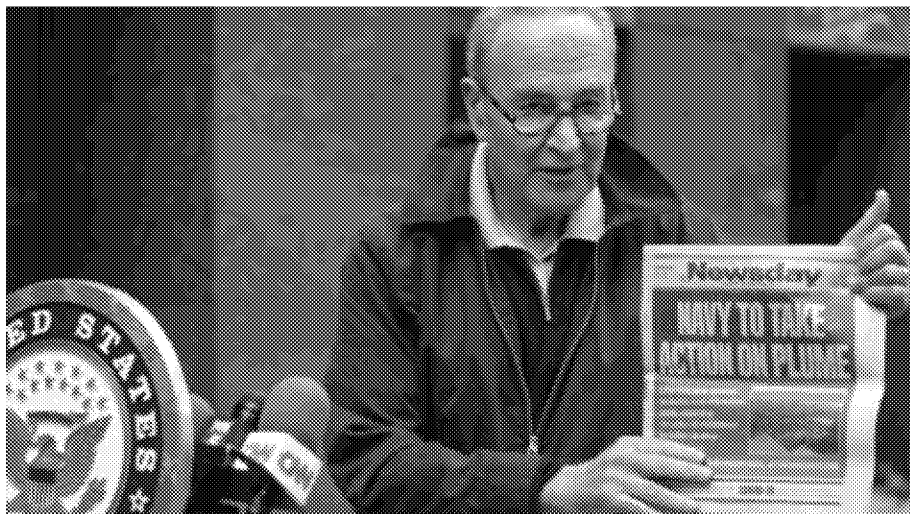
Newsday

<https://www.newsday.com/long-island/bethpage-plume-grumman-biden-schumer-1.50072285>

Schumer: Biden team must focus on Navy cleanup of Grumman plume

By David M. Schwartz

November 22, 2020



Sen. Chuck Schumer on Sunday called for President-elect Joe Biden's transition team to focus on the Navy's newly aggressive approach to cleanup of the Grumman groundwater pollution plume in Bethpage and address lingering concerns from local water districts.

Holding up a copy of Newsday's coverage at a news conference in Manhattan, the Senate Minority Leader praised the Navy's plan that for the first time seeks to prevent the plume's spread toward Massapequa Water District wells and the Great South Bay.

"The incoming Biden team must study this new stance and speak to the Long Island stakeholders for their input. Some of the water boards think there ought to be certain changes in the plan ...," Schumer said.

Local concerns include "long-delayed reimbursement" for water treatment in local districts and red tape, he said.

Schumer added "I have full confidence the Biden administration's ability to meet the mark here will occur and that we can make all of the water boards happy with the plan."

The Biden transition team did not respond to a request for comment on Sunday.

The Navy last week revealed a plan that reversed long-standing Navy opposition to the kind of comprehensive cleanup favored by water providers, federal elected officials and, in the last few years, urged by state regulators.

The Navy would install as many as four new extraction wells along the Southern State Parkway, near the plume's leading edge, as well as two new treatment systems. Gov. Andrew M. Cuomo and state regulators have advanced a \$585 million plan, of which the Navy's efforts are a big component.

Newsday published an investigation earlier this year, The Grumman Plume: Decades of Deceit, detailing the history of deceptive statements, missteps and minimization that slowed cleanup of what has become Long Island's most intractable environmental crisis. The stories prompted state and federal officials to pledge renewed focus on securing the comprehensive cleanup measures.

Rep. Tom Suozzi (D-Glen Cove) said he expects progress to be made under a Democratic Biden administration, given successes he and Schumer have made in recent years under a Republican administration to secure funding and bring Northrop Grumman and the Navy to the table.

"I think it'll be easier for us," Suozzi said in an interview Sunday.

"The Governor's team, Sen. Schumer, the Bethpage Water District and quite frankly the Newsday series have all played a big role in pushing the ball to the finish line," Suozzi said. "Now we need Grumman to fully step up."

New York State Department of Environmental Conservation Commissioner Basil Seggos in a statement said the department "welcomes the cooperation of the incoming administration in holding the responsible parties accountable."

Seggos said the Navy's recent proposal "is the direct result of Governor Cuomo's leadership in demanding full cleanup and containment of the Navy-Grumman plume."

Northrop Grumman's responsibility is largely focused on the more-deeply contaminated eastern side of the plume. A company spokesman said Friday that Northrop Grumman continues to engage in "productive discussions" to implement the state plan.

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My Central Jersey

<https://www.mycentraljersey.com/story/news/local/land-environment/2020/11/22/njdep-names-recycling-award-winners-gardener-state/6356140002/>

NJDEP names recycling award winners | Gardener State

By Nicholas Polanin

November 22, 2020

While the global recycling community continues to face challenges due to weak recycling markets and rising program costs, New Jersey is doing a good job of recycling thanks in part to the efforts of this year's New Jersey Department of Environmental Protection recycling award winners.

Among the 2020 honorees are a business that recycles food waste from its cafeterias and plastics from its laboratories; a municipality that recycles 75% of its waste, including polystyrene; a university with a comprehensive recycling and reuse program and an 11 year-old boy who started a successful battery recycling program.

The NJDEP recently recognized Merck, Middletown Township, Princeton University and Sri Nihal Tammana of Edison among 10 businesses, organizations and individuals during a virtual awards ceremony held in conjunction with an Association of New Jersey Recyclers educational webinar.

"I commend the award winners for their innovative efforts to promote recycling and educate their communities about the importance of diverting waste," NJDEP Commissioner Catherine R. McCabe said. "New Jersey has been a national leader in recycling for many years, thanks in part to the types of initiatives we see from our recycling award winners and those who follow their excellent examples. Their work helps protect our environment by keeping communities clean and reducing the impacts of climate change."

In 1987, New Jersey became the first state to enact legislation that requires recycling in residential, commercial and institutional settings. New Jersey achieved an overall recycling rate of 60% in 2017. The

NJDEP administers a number of grant and educational programs to help improve the statewide recycling rate.

The Volunteer Citizen Award this year went to Sri Nihal Tammanna, 11, of Edison, who started a nonprofit organization dedicated to recycling batteries, including rechargeable batteries and button batteries. To date, his efforts have resulted in recycling more than 35,000 batteries.

Other awardees included PSE&G, which achieved a 93% recycling rate in 2019 by recycling the typical materials found in office settings and Long Beach Township, which implemented an innovative voluntary recycling project that diverts oyster and clam shells from restaurants for use in establishing a research oyster reef in Little Egg Harbor Bay.

The NJDEP urges all residents to participate in their local recycling program and do their part to keep unacceptable materials, such as plastic bags, trash, propane tanks and used syringes, out of curbside and workplace recycling bins.

Calling young artists

Are you artistic? Is your creativity seeking a new challenge? If so, the New Jersey Division of Fish and Wildlife's "Hooked On Fishing - Not On Drugs" program is looking for a new logo and is inviting all New Jersey students aged 21 and under (must be under 21 by the end of calendar year 2020 to be eligible) to enter. The objective of the contest is to help the program update the logo for a unique representation.

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Inside EPA

<https://insideepa.com/tsca-news/epa-expands-draft-14-dioxane-evaluation-sparking-preemption-battle>

EPA Expands Draft 1,4-Dioxane Evaluation, Sparking Preemption Battle

November 19, 2020

EPA has expanded its draft evaluation of 1,4-dioxane, finding the presence of the chemical as a byproduct in eight consumer products poses no unreasonable risks that must be regulated under TSCA, a win for consumer product manufacturers who had sought the expanded evaluation to preempt pending state rules.

The agency also found that 1,4-dioxane in surface waters used for recreation poses no risk, an evaluation that was recommended by the agency's science advisors, though EPA rejected similar calls from its advisers and environmentalists to even evaluate risks from 1,4-dioxane in drinking water.

EPA Nov. 19 released [a draft supplement](#) to its earlier draft evaluation of the chemical, widely used as a stabilizer for chlorinated solvents, as well as in building materials, degreasers, and to make soaps and detergents, among other uses.

The agency found that the presence of the chemical in many of these products does not present unreasonable risks to consumers, including in textile dyes in arts, craft and hobby materials; automobile antifreeze; surface cleaners; dish soap; dishwasher detergent; laundry detergent; paint; floor lacquer; and spray polyurethane foam.

The evaluation is one of the first 10 Toxic Substances Control Act (TSCA) evaluations that EPA is scrambling to complete before the end of the year. But release of the supplement -- and the 20-day public comment period on it -- is further raising doubts about whether the agency will be able to meet its self-imposed deadline.

While the agency is allowing a brief public comment period on the supplement, it is not submitting it for peer review, saying it used the same analytical methods as those its reviewers have already assessed. That approach is drawing stiff criticism from environmentalists, and it contrasts with EPA's recent decision to issue a second draft of another TSCA evaluation, that of pigment violet 29, for public comment and a limited peer review.

The agency's draft findings are drawing praise from industry groups, which are welcoming the opportunity to preempt looming state efforts in New York and California to regulate the substance in various products.

"The EPA's supplemental evaluation on 1,4 dioxane proves that that agency can be nimble when a state patchwork of policies begins to emerge," Mike Gruber, vice president of regulatory and government relations at the Consumer Brands Association (CBA), one of the groups that asked EPA to expand its original draft evaluation, told *Inside TSCA*.

But the agency's action drew strong criticism from environmentalists, who suggested that they will press the incoming Biden administration to reconsider the findings.

"The only good news here is that the Trump EPA's days are numbered. The incoming administration has the opportunity to restore health-protective implementation of the country's chemical safety law," Richard Denison, senior scientist at the Environmental Defense Fund (EDF), said in [a Nov. 19 statement](#).

Denison and other environmentalists strongly criticized EPA's approach in the assessment for its proposed risk findings and their preemptive effects; the lack of peer review for EPA's analyses of the added uses; and its failure to assess risks from additional exposure pathways, such as in drinking water.

"This is an eleventh hour capitulation to industry that at one fell swoop seeks to block states like New York and California from regulating 1,4-dioxane in consumer products and exonerates these products from any concern under TSCA on the basis of a rushed and inadequate analysis," Bob Sussman, counsel to Safer Chemicals, Healthy Families, told *Inside TSCA*.

Draft Evaluation

EPA's 2019 draft evaluation of 1,4-dioxane excluded from consideration a range of potential exposures, especially those where the agency believes other EPA programs, or other agencies, are already regulating such risks.

In particular, EPA excluded a process called ethoxylation used to make many soaps and detergents less harsh that results in small amounts of 1,4-dioxane remaining in those products.

EPA said in its draft evaluation that it did not consider consumer uses because such activities will be considered in a separate evaluation of ethoxylated chemicals, though the agency has yet to initiate such an assessment.

The agency added that it believes its regulatory tools under TSCA section 6(a) are better suited to addressing any unreasonable risks that might arise from these activities through regulation of the activities that generate 1,4-dioxane as an impurity or cause it to be present as a contaminant, than addressing them through direct regulation of 1,4-dioxane.

But the American Cleaning Institute (ACI) and the Grocery Manufacturers Association, now known as the CBA, urged EPA in a July 2019 letter to expand the risk evaluation to assess risks posed by ethoxylation in an effort to preempt ongoing efforts in California and New York to target the process.

"Recent state-level actions have elevated the need for EPA to consider ethoxylation in the draft risk evaluation for 1,4 dioxane," the groups write

Those state-level actions are now gaining ground as New York officials held [a Nov. 18 webinar](#) to begin receiving public input on their plans to craft a legislatively mandated rule to regulate 1,4-dioxane in consumer products, though industry groups are urging the state to delay implementation of its rules because they are unable to reformulate their products due to the ongoing pandemic.

In his statement, CBA's Gruber says he hopes EPA's draft evaluation will help end state efforts to regulate 1,4-dioxane.

"The State of New York has established a standard for 1,4 dioxane as a byproduct, and consumer product manufacturers are prepared to provide formal comments to state regulators as they craft regulations. It is our hope that the public comments on the EPA's evaluation and New York's forthcoming rule will settle this matter and dissuade other states from pursuing divergent policies," he added.

But EDF's Denison signals that environmentalists are likely to fight any effort at preemption. "The Trump EPA's action grants yet another wish to the formulated products industry, which last year abruptly reversed course and demanded that EPA now include the byproduct exposures the industry had convinced EPA to exclude up to that point--and find those exposures present no unreasonable risk. The motivation: to broaden the preemptive effect EPA's assessment would have on states' authority, several of which have been taking actions on 1,4-dioxane to protect their residents," he said in his statement. -- *Jeremy*

Bernstein (jbernstein@iwpnews.com) and *Maria Hegstad* (mhegstad@iwpnews.com)

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NATIONAL

EPA Evaluates 54 Conditions of Use for TCE, Finding That 52 Present an Unreasonable Risk

<https://www.lexology.com/library/detail.aspx?g=26410252-3150-48e7-8d35-aed487ba8ec4>

By [Bergeson & Campbell PC](#)

24 Nov 2020

The U.S. Environmental Protection Agency (EPA) released the [final risk evaluation for trichloroethylene \(TCE\)](#) on November 23, 2020. [85 Fed. Reg. 75010](#) (Nov. 24, 2020). Of the 54 conditions of use that EPA reviewed, EPA found that 52 present an unreasonable risk to workers, occupational non-users (ONU), consumers, and bystanders. EPA determined that distribution in commerce and consumer use of TCE in pepper spray do not present an unreasonable risk. EPA also found no unreasonable risks to the environment.

EPA's next step in the process required by the Toxic Substances Control Act (TSCA) is to develop a plan to reduce or eliminate the unreasonable risks found in the final risk evaluation. EPA states that it "is moving immediately to risk management for this chemical and will work to propose and finalize actions to protect workers, occupational non-users, consumers, and bystanders." The potential actions that EPA could take to address these risks include regulating how TCE is used or limiting or prohibiting the manufacture, processing, distribution in the marketplace, use, or disposal of TCE, as applicable. As with any chemical product, EPA "strongly recommends that users of products containing TCE continue to carefully follow all instructions on the product's label and safety data sheet."

Background

TSCA Section 6, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act), requires EPA to conduct risk evaluations to "determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use." The statute identifies the minimum components EPA must include in all risk evaluations. For each risk evaluation, EPA must publish a document that outlines the scope of the risk evaluation to be conducted, which includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations that EPA expects to consider. Each risk evaluation must also: (1) integrate and assess available information on hazards and exposure for the

conditions of use of the chemical substance, including information on specific risks of injury to health or the environment and information on relevant potentially exposed or susceptible subpopulations; (2) describe whether aggregate or sentinel exposures were considered and the basis for that consideration; (3) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the conditions of use; and (4) describe the weight of the scientific evidence for the identified hazards and exposure. The risk evaluation must not consider costs or other nonrisk factors. A detailed summary and analysis of the final risk evaluation rule is available in our June 26, 2017, memorandum, "EPA Issues Final TSCA Framework Rules."

Risk Evaluation for TCE

According to the final risk evaluation, EPA evaluated TCE's occupational conditions of use, including the following categories: manufacture; import; processing as a reactant/intermediate; incorporation into formulation; mixture or reaction product; incorporated into articles; repackaging; recycling; distribution; solvents for cleaning and degreasing; lubricants and greases; adhesives and sealants; functional fluids in a closed system; paints and coatings; cleaning and furniture care products; laundry and dishwashing products; arts, crafts, and hobby materials; corrosion inhibitors and anti-scaling agents; processing aids; ink, toner, and colorant products; automotive care products; apparel and footwear care products; other uses; and disposal. EPA evaluated the following categories of consumer conditions of use: solvents for cleaning and degreasing; lubricants and greases; adhesives and sealants; cleaning and furniture care products; arts, crafts, and hobby materials; apparel and footwear care products; and other consumer uses. According to the final risk evaluation, consistent with the decision at the problem formulation stage, EPA excluded consumer uses of paint and coatings from the scope of the evaluation.

EPA did not identify any "legacy uses" (i.e., circumstances associated with activities that do not reflect ongoing or prospective manufacturing, processing, or distribution) or "associated disposal" (i.e., future disposal from legacy uses) of TCE. Therefore, EPA did not add any such uses or disposals to the scope of the risk evaluation for TCE following the issuance of the opinion in *Safer Chemicals, Healthy Families v. EPA*. The final risk evaluation states that EPA did not evaluate "legacy disposal" (i.e., disposals that have already occurred) in the risk evaluation "because legacy disposal is not a 'condition of use' under *Safer Chemicals*."

EPA made the following risk evaluation findings. EPA states that in making these unreasonable risk determinations, it considered the hazards and exposure, magnitude of risk, exposed population, severity of the hazard, uncertainties, and other factors.

- EPA found unreasonable risks to human health from 52 out of 54 conditions of use of TCE:

Consumers and Bystanders: EPA found unreasonable risks to consumers and bystanders from all but one consumer use of TCE. Consumer uses include cleaning and furniture care products, arts and crafts spray coatings, and automotive care products like brake cleaners. EPA states that risks to consumers can come from short-term inhalation and dermal exposure. EPA notes that it did not find consumer use of pepper spray to present an unreasonable risk; and

Workers and ONUs: EPA found unreasonable risks to workers from all occupational uses of TCE, except for distribution in commerce. Additionally, EPA found unreasonable risks from most commercial uses of TCE to ONUs. According to EPA, common commercial uses are as a solvent in industrial cleaning/degreasing, an ingredient in adhesive/sealant removers, in paints and coatings, and in automotive care products like brake cleaners. Risks to workers and ONUs can come from both short- and long-term inhalation and dermal exposure.

- EPA found no unreasonable risk to the environment for any conditions of use. EPA assessed the impact of TCE on aquatic and sediment-dwelling organisms through surface water and sediment exposures and to terrestrial organisms. After reviewing these data, EPA states that it found no unreasonable risks to the environment.

Commentary

The final TCE risk evaluation is remarkable because of the breadth of the conditions of use for which EPA identified unreasonable risk. EPA identified exceedances of risk thresholds by inhalation and dermal exposures at the high-end and central tendencies, both with and without protective equipment, and across health endpoints, including acute (developmental and immunosuppression), chronic, and cancer endpoints -- not just limited to the congenital heart effects that some have viewed as controversial. Risks were found across consumer, commercial, and industrial conditions of use for workers, ONUs, consumers, and bystanders.

It remains to be seen how EPA will proceed with risk management. It seems that all consumer uses of TCE, except perhaps for the pepper spray use, are likely to face a ban. Given the breadth of the risks identified by EPA for occupational conditions of use, release and exposure controls will have to be remarkably stringent to address the one-to-three orders of magnitude of exceedances for some of the conditions of use. In fact, TCE may be the first of the first ten risk evaluations in which EPA will consider seriously a broad ban for manufacturing, processing, and use. EPA will then have to evaluate whether technically feasible alternatives exist for TCE in each of its many uses.

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Georgia-Pacific's Mississippi Mill Becomes First US Pulp Mill to Earn EPA's Energy Star Certification

<https://www.environmentalleader.com/2020/11/georgia-pacifics-mississippi-mill-becomes-first-us-pulp-mill-to-earn-epas-energy-star-certification/>

[NOVEMBER 24, 2020 BY EMILY HOLBROOK](#)

[Georgia-Pacific's](#) Leaf River cellulose mill in New Augusta, Mississippi, is the first US pulp mill to earn the US Environmental Protection Agency's [Energy Star](#) certification, which signifies that the manufacturing facility performs in the top 25% of similar facilities nationwide for [energy efficiency](#) and meets strict energy efficiency performance levels set by the EPA.

To earn the EPA's Energy Star certification, the facility improved its energy performance by managing energy strategically across the entire facility and by investing in improvements that allow it to produce all electricity required to make pulp without purchasing electricity externally under normal operating conditions.

Commercial buildings and industrial plants account for nearly half of the nation's energy. But through benchmarking performance and a strategic approach to energy management, the EPA says it is possible for companies to save energy, save money, and protect the environment.

Energy Star was introduced by EPA in 1992 as a voluntary, market-based partnership to reduce greenhouse gas emissions through energy efficiency. To date, tens of thousands of buildings and plants across all 50 states have earned the Energy Star.

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EPA sued over rule extending life of toxic coal ash ponds

<https://thehill.com/policy/energy-environment/527404-epa-sued-over-rule-rule-extending-life-of-toxic-coal-ash-ponds>

BY [REBECCA BEITSCH](#) - 11/24/20 03:16 PM EST

A coalition of nine environmental groups is suing the Environmental Protection Agency (EPA) over a rule that extends the life of giant pits of toxic coal sludge, risking contamination of nearby water sources.

The July rule allows for the more than 400 coal ash pits across the nation, where coal residue is mixed with liquid and stored in open-air, often unlined ponds, to stay open as late as 2038.

“Right now toxic chemicals are poisoning water across the country because of dirty coal plants. The Trump administration acted illegally when it gave coal plants many more years to dump toxic waste in pits that contaminate waterways and drinking water sources. Instead of acting in the best interests of the American people, the administration once again put the coal power industry first,” Earthjustice attorney Lisa Evans said in a statement announcing the suit.

EPA would not comment on the suit.

The EPA has been under longstanding pressure to better regulate coal ash ponds because of the extreme risks associated with them.

An Environmental Integrity Project and Earthjustice review of monitoring data from coal ash ponds found 91 percent were leaking toxins in excess of what EPA allows, contaminating groundwater and drinking wells in nearby communities.

Contaminants also risk spilling over the sides of the pond any time there is heavy rain.

Under the extensions, coal ash ponds that are supposed to stop receiving waste by 2021 can keep receiving sludge for two to seven more years. Including the additional time for closing ponds, that allows some pits to stay open as late as 2038.

In rolling out the rule, EPA Administrator Andrew Wheeler stressed that groundwater monitoring data would be available to nearby communities.

“The public will also be better informed as EPA makes facility groundwater monitoring data more accessible and understandable,” he said.

Environmental groups argue that the rule violates both a 2018 court decision and the Resource Conservation and Recovery Act, which bars EPA from creating rules that have a “reasonable probability of adverse impacts.”

The 2018 order from the U.S. Court of Appeals for the D.C. Circuit required the EPA to shut down all coal ash ponds that do not have a plastic liner. The ruling said a 2015 Obama-era coal ash rule violated the Resource Conservation and Recovery Act dealing with hazardous waste “in failing to require the closure of unlined surface impoundments.”

Evans said utilities have already shown they can manage coal ash more effectively and said the rule is “bending to the lowest common denominator.”

“It’s not the role of EPA to make rules for the worst operators,” she said.

EPA is also working to finalize another coal ash rule that extends the life of unlined coal ash ponds.

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MRF Summit: Despite pandemic setbacks, 2020 shows bright spots for recycling

<https://www.wastedive.com/news/mrf-summit-2020-recycling-robotics-pandemic-basel/589533/>

AUTHOR

[Katie Pyzyk@_PvintheSky](#)

Nov. 24, 2020

Contamination, automation, globalization and federal engagement were all hot topics at last week's 2020 MRF Summit, a joint virtual conference hosted by the Institute of Scrap Recycling Industries (ISRI) and Solid Waste Association of North America (SWANA).

Despite the many pandemic- and economy-related challenges the industry has faced this year, SWANA CEO David Biderman highlighted numerous reasons for optimism and embracing opportunities. "The value of the recovered materials coming out of the back of a MRF is about double what it was at the start of year," he said.

Biderman also cited the wave of companies making commitments to use more recycled content in their containers and packaging, more companies and local governments reporting declining material contamination rates and greater federal involvement in recycling.

Starting from the top

Last week, the U.S. EPA released its draft National Recycling Strategy, which lays out objectives and actions to create a stronger, more resilient national recycling system. A key goal is to increase the national recycling rate to 50% by 2030. The strategy is scheduled to be finalized next year.

"The EPA is taking an important leadership role in promoting and enhancing recycling. ... This more active and visible federal role in recycling sends a powerful message to all recycling stakeholders, and successfully implementing components of the National Recycling Strategy will result in less contamination, more efficient MRF operations, additional recyclables and scrap diverted away from landfills and importantly, more jobs," Biderman said.

Speakers also stressed that Congress can and should do more to support recycling. Consumer education and engagement are prime areas where it can offer funding and resources, said Sarah Peery, legislative assistant in the office of Sen. Rob Portman (R-Ohio). Last year, Portman and co-sponsor Sen. Debbie Stabenow (D-Mich.) introduced the Recycling Enhancements to Collection and Yield through Consumer Learning and Education (RECYCLE) Act to create a federal program to bolster recycling programs and education with a proposed \$75 million in funding.

Portman recognizes that consumer confusion is one of the main challenges for recyclers, Peery said, as it leads to lower program participation and higher contamination rates. He also would like "some sort of federal incentive or investment to help our MRFs upgrade their systems," Peery said. "Some of them, frankly, were created to recycle paper — and look at all materials that we can recycle today."

Automation expansion

Adding automation to MRFs has increased in popularity over the last few years, but especially in the past year and during the pandemic. Optical sorters have essentially become mainstream and the use of robotics is increasing considerably, speakers said.

"There's probably several hundred robots deployed now in North America for single-stream, dual-stream applications and also some C&D as well. That's really probably two to three times the number of robots there were at this time last year. There's a significant growth rate," said Rob Writz, director of business development at AMP Robotics.

Automation lowers costs by improving efficiencies, which is beneficial considering MRFs' fixed costs more than doubled in the last decade. Sorting robots now can regularly perform more picks than a human over an entire shift, according to speakers. Automation also serves as a safety measure because it removes humans from high-risk, repetitive tasks and prevents people from working in close proximity during the pandemic.

"The robots are really increasing throughput at those sorting stations. They're really helping to ensure worker safety as well, and helping to keep operations going and keep the MRFs being resilient," Writz said.

Several speakers noted it's crucial to incorporate the right automation for each task, because technology is not universal. For example, optical sorters are more efficient than robotic arms at sorting PET.

"If you can get the robot in the right place, in the right situation... they do a very good job. And they do the exact same job all day long. That's a big deal in the MRF business," said Will Herzog, U.S. Western region sales manager at Machinex.

Panelists only expect growth to continue in the coming months and years as robots become increasingly specialized for the recycling industry and more efficient.

"I'm pretty bullish on robotics," said Brent Hildebrand, vice president of recycling at GFL Environmental. "They're working for me. But I can't stress enough... it has to be the right application. I've got facilities that I want to put more in, but they're just not quite the right application. That's where the other technology will come into play too, like optical sorting."

World of difference

China has dominated recycling discussions for years, especially since National Sword policies took effect. Recent crackdowns on recyclable material imports have slightly reduced its prominence as a global trade partner, but it still holds a presence and new changes on the horizon are expected to create ripples throughout the industry.

China already stopped accepting most plastic scrap collected and baled at MRFs, as well as mixed paper. Next year it is expected to stop taking all grades of recovered paper, said Adina Renee Adler, ISRI's vice president of advocacy. This could prompt China's paper mills to import more pulp, which would still be allowed under the new regulations. U.S. mills already have been making investments to produce pulp at a grade acceptable to China in anticipation of the changes.

The Chinese government is also developing recycled raw material standards for metals to ensure they are mill-ready, and it might do the same for recycled plastic pellets. It is unclear if or when that would occur, Adler said, but it could be in 2021. That would affect manufacturers who produce pellets from plastics collected and sorted at MRFs.

As China has tightened its standards, other countries emerged as stronger players in the global recycling trade. Indonesia, Malaysia and India lead the pack; although India experienced a slump this year when recyclers were forced to close during the country's near-total lockdown for the coronavirus pandemic. The Indian government appears to still be thinking about new restrictions on incoming material following an attempted plastic scrap ban that ended up not coming to fruition, Adler said.

A recent plastic-related amendment to the Basel Convention will also be a powerful global force to watch next year, Adler indicated. Following approval by 187 countries last year, the 25-year-old hazardous waste agreement will now include new limitations on the export of plastic scrap. This policy is slated to take effect Jan. 1.

However, much uncertainty surrounds its implementation, Adler pointed out. First, the language of some restrictions is vague. Specifically, the agreement only allows the trade of plastics that are "almost" free from contamination and constructed "almost" entirely of one resin.

Although work is underway to tighten the language, the revised document almost certainly will not be completed by January. That's creating confusion about exactly which materials will be permitted for trade when the new year arrives. The language likely will be interpreted differently by different governments, Adler said.

The United States is not one of the signatories to the Basel Convention, meaning any of the controlled materials on the ban list are prohibited from entering or exiting the country. This, combined with the lack of clarity over enforcement, creates uncertainty about domestic recyclers' future participation in global materials markets.

Separately, there is work ongoing that might redefine recycling and what constitutes a recycler under the convention, which in turn could alter material movement. For example, a plastic toy manufacturer might be considered a recycler but a MRF might not. ISRI is “fighting tooth and nail” to ensure Basel recognizes that “we’re all recyclers,” Adler said.

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EPA grants \$3.224 million to protect Arkansas bodies of water

<https://talkbusiness.net/2020/11/epa-grants-3-224-million-to-protect-arkansas-bodies-of-water/>

by [Talk Business & Politics staff \(staff2@talkbusiness.net\)](mailto:staff2@talkbusiness.net)

24 Nov 2020

U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced an award of \$3.224 million to the Arkansas Department of Agriculture’s Natural Resources Commission to protect water quality statewide. The funding will support management programs for nonpoint source (NPS) water pollution, which is caused when rainfall or snowmelt carries pollutants into rivers, lakes and other water bodies.

“This funding to the Arkansas Natural Resources Commission will improve environmental protections against nonpoint source water pollution,” said Wheeler. “Keeping this waste from making it into water bodies is difficult, but it has to be done, and EPA is happy to help Arkansas get on top of the problem.”

“EPA’s grant funding will help protect vital streams and habitats while ensuring communities have cleaner water,” said Regional Administrator Ken McQueen. “We are grateful for our partnership with Arkansas and looking forward to continuing to strengthen our relationship to improve water quality.”

“Arkansas is fortunate to have an abundance of rivers, lakes, and other water bodies that contribute greatly to our state’s economy and our way of life. We appreciate the award of this funding that will be used to continue the important programs and partnerships that protect the quality of water across the state,” said Arkansas Secretary of Agriculture Wes Ward.

This funding supports the state of Arkansas’ NPS pollution management program, focusing on watersheds with water quality impairments caused by polluted runoff from non-point sources. NPS implementation projects include best management practice installations for animal wastes, sediment, pesticide and fertilizer control; other structural and non-structural practices; watershed planning, monitoring, technology demonstrations; and education and outreach programs.

Unlike pollution from industrial facilities and sewage treatment plants, NPS pollution does not come from a specific place. As precipitation moves over or through the ground, it picks up debris and pollutants and deposits them into lakes, rivers, wetlands, coastal waters and groundwater. NPS pollution can include excess fertilizer, herbicides and pesticides; oil, grease, and toxic chemicals from urban runoff; sediment; drainage from abandoned mines; and bacteria and nutrients from livestock, pet waste and faulty septic systems. States report that NPS pollution is the leading remaining cause of water quality problems.

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EPA Extends TSCA Chemical Data Reporting Deadline to January 29

Citing difficulties experienced by numerous submitters using EPA's online reporting portal, the agency has extended the TSCA Chemical Data Reporting (CDR) deadline for two months.

The CDR rule requires manufacturers (including importers) of chemical substances listed on the TSCA Chemical Substance Inventory to report data on chemical manufacturing, processing, and use every four years. The information collected through the CDR program, according to the agency, "helps EPA understand exposure to these chemicals and screen and prioritize chemicals to identify and evaluate potential human health and environmental effects."

The report requires submission of detailed on-site production and downstream industrial and consumer use information for substances manufactured or imported in quantities of 25,000 pounds or more. The current reporting cycle began June 1 and was scheduled to close on November 30. The new reporting deadline is January 29.

Additional information on CDR reporting is available at [EPA's website](#).

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Kohl's Named to Dow Jones Sustainability Index for Third Consecutive Year

MENOMONEE FALLS, Wis.--(BUSINESS WIRE)--Kohl's (NYSE: KSS) is proud to have been named to the 2020 Dow Jones Sustainability Index (DJSI) North America by S&P Global. This marks the third year in a row the company has received the designation for its sustainability performance and environmental, social and governance (ESG) commitments.

"The DJSI's continued recognition of Kohl's serves as a reliable indicator of the strength of our ESG stewardship initiatives"

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"The DJSI's continued recognition of Kohl's serves as a reliable indicator of the strength of our ESG stewardship initiatives," said Steve Thomas, Chief Risk and Compliance Officer for Kohl's. "We believe that incorporating sustainable solutions into the way Kohl's conducts business will help to build better futures for our customers, our associates, and their families and we are pleased to be acknowledged for these efforts."

Launched in 1999 as one of the first global sustainability benchmarks, the DJSI measures the performance of the world's leading companies based on financially material environmental, social, and governance factors. The DJSI helps to evaluate a company's impact on people, communities and the planet for socially-conscious investors.

"We congratulate Kohl's for being included in the DJSI North America. A DJSI distinction is a reflection of being a sustainability leader in your industry. With a record number of companies participating in the 2020 Corporate Sustainability Assessment and more stringent rules for inclusion this year, this sets your company apart and rewards your continued commitment to people and planet," said Manjit Jus, Global Head of ESG Research and Data, S&P Global.

Earlier this month, Kohl's was also recognized with a [SmartWay® 2020 Excellence Award](#) from the U.S. Environmental Protection Agency (EPA) as an industry leader in freight supply chain, environmental performance and energy efficiency. Kohl's was one of just 17 shipper and logistics companies to receive the distinction this year, in recognition of the company's sustainability efforts and exceptional performance moving goods in the cleanest and most energy-efficient way possible, leading to cleaner and healthier communities.

For more details about Kohl's commitment to sustainability, please refer to the company's [2019 CSR Report](#). Additional information about Kohl's [Environmental, Social, and Governance \(ESG\)](#) efforts can be found on the company's corporate website, [Corporate.Kohls.com](#).

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Coal Ash in Georgia

Over the past several years, utility giant Georgia Power has embarked on an unusual buying spree, paying top dollar for people's property in places where cheap land was easy to find.

In 2016, it bought a veterinarian's 5-acre lot in the rolling hills of northwest Georgia for roughly double the appraised value. The following year, it acquired 28 acres of flood-prone land in southwest Georgia's pecan belt for nearly four times what the local tax assessor said it was worth. By the year after that, it had paid millions of dollars above the appraised value for hundreds of acres near a winding gravel road in a central Georgia town with no water lines and spotty cellphone service.

Two things united the properties: They were all near coal-fired power plants that generated toxic waste stored in unlined ponds at those sites. And they were all purchased after the Environmental Protection Agency finalized new regulations in 2014 governing the disposal of such waste, known as coal ash. All told, the utility paid over \$15 million for nearly 1,900 acres close to five of its 12 power plant sites, according to an investigation by Georgia Health News and ProPublica.

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The costly land purchases offer an enormous potential payoff to Georgia Power, one of the largest producers of coal ash waste in the country, the investigation found. They may allow the utility to forestall millions of dollars in cleanup costs outlined by the December 2014 regulations.

The Atlanta-based company is trying to convince regulators to allow it to leave more than half of its coal ash — around 48 million tons — in unlined ponds at plant sites spread across the state. Environmentalists believe the safest way to dispose of coal ash is to move it from unlined ponds into landfills that have a protective, and more costly, liner to prevent contaminants from seeping into groundwater — the source of drinking water for people who depend upon wells.

Unlined coal ash ponds frequently leak contaminants into groundwater, according to a pair of analyses of industry-reported data conducted by advocacy groups Environmental Integrity Project and Earthjustice. Recent Georgia Power tests of groundwater show that coal ash contaminants appear to be migrating out of the ponds at some plant sites, according to experts who reviewed company filings.

The new regulations require utilities to clean up contaminants if they are found at high enough levels beyond the boundaries of their plant sites. By extending those boundaries through land purchases, Georgia Power could push back the day it has to deal with its legacy of pollution, according to a dozen environmental experts, regulators and activists.

Betsy Southerland, former director of the Office of Science and Technology in the EPA's Office of Water, said Georgia Power's purchases can "move their fence line far enough out" so the higher levels of coal ash contaminants will dilute enough to fall under enforceable maximum contamination levels by the time they reach the new property border.

"It does not surprise me at all that Georgia Power is looking to acquire additional buffer lands," said Stan Meiberg, a former EPA acting deputy administrator who reviewed Georgia Power filings obtained by GHN and ProPublica. "It gives them more ability to keep an eye on any contamination before this reaches property boundaries."

Maps of Three Power Plants and Land Purchased by Georgia Power

The utility's recent filings with state regulators show that groundwater is flowing toward properties purchased by the company.

Utility officials contend that their preferred methods of closure, which depend on the specifics of each site, are safe.

Georgia Power spokesperson John Kraft said in a recent statement that the purchased properties were intended for use as a construction buffer while the company closes its unlined ponds, a lengthy process that includes pumping water out of the disposal site and burying the remaining coal ash in place. He did not respond to direct questions about whether the purchased land would help the company delay cleanup costs.

He noted that the company, a subsidiary of the Southern Company, the nation's second-largest energy provider, has hired experts to monitor test wells positioned around the ash ponds for signs of groundwater contamination. Based on the results of those tests, he added, the company "has identified no impact to drinking water."

But neighbors who continue to live near coal-fired plants are suspicious of the way Georgia Power has quietly purchased the properties. The utility has required those who sell it land to sign contracts that release the company from future legal claims and forbid the sellers to voice concerns about polluted drinking water wells. They worry that Georgia Power will eventually walk away from its waste, leaving local communities exposed to the long-term risk of poisons seeping into well water — and the potential negative health care outcomes that may follow.

Federal and state regulations require Georgia Power to monitor the coal ash disposal sites for 30 years. That's not long enough to protect those who want to set down roots for life.

When Chad Holland moved to Albany, Georgia, in 2007, just down the road from Plant Mitchell, he didn't think twice about his water source. A private well provided the water his family used for drinking, cooking and bathing. But this past spring, while scrolling down his Facebook feed, he saw a post about coal ash.

The 49-year-old alcohol sales supervisor soon began to wonder if his water had been contaminated by waste dumped less than a mile from his family home. So he set out in search of answers.

"I had never thought anything of it," Holland told GHN and ProPublica. "I wanted to know what was *in* the pond."

A Moment of Reckoning

On Dec. 22, 2008, more than a billion gallons of a toxic slurry of coal ash and water breached a dike at the Tennessee Valley Authority's Kingston Fossil Plant about 40 miles west of Knoxville. The wave — roughly five times the volume of liquid spilled by the Deepwater Horizon disaster in the Gulf of Mexico two years later — tore up railways, toppled power lines, knocked a home off its foundation and caked the Emory River in a thick, gray sludge.

The catastrophe awakened the public to a long-hidden danger: vast amounts of coal ash stored in disposal sites at power plants across the rest of the United States. Utilities produce over 100 million tons of coal ash annually, according to the EPA, making it the nation's second-largest source of industrial waste after household garbage.

Coal ash is the fine residue left when coal is burned to produce power. The ash contains contaminants associated with long-term health risks, including damage to the kidney (from mercury), stomach (from boron) and nervous system (from arsenic). To dispose of it, utilities can either transport the waste to a landfill with a protective liner on the bottom or mix it with water in an ash pond without a layer underneath.

Until recently, the waste largely had been regulated by the states instead of the federal government, in part thanks to pressure from industry groups fighting stricter environmental protections. Some states, like Maryland, enacted tough standards to dispose of the waste. Georgia, however, did not follow suit, despite a growing body

of science warning about the potential for unlined ponds full of contaminants to pollute aquifers that supply water to homes with drinking wells.

The Kingston spill broke a long-standing logjam in Washington. The Obama administration spent years holding hearings, studying the past research and reviewing new comments about potential coal ash regulations. On Dec. 19, 2014, EPA officials finalized the first-ever federal coal ash rule designed to reduce the risk of emergency failures, protect groundwater and outline best practices for closing ash ponds.

For decades, Georgia Power had dumped ash into ponds without a protective liner. Now, to comply with the new coal ash rule, the company would have to remove the water from its ponds. From there, it could either leave the ash in place with a cover on top, install a protective liner under the ash or remove the ash into a lined landfill.

Faced with billions of dollars in potential environmental compliance costs, the utility resorted to an old page from its corporate playbook. For much of the 20th century, Georgia Power had bought thousands of acres of land — seizing some properties through the use of eminent domain — to build new coal-fired plants. By the 1980s, the utility had expanded energy production capabilities beyond what Georgians actually needed. So it sold excess electricity outside the state, while disposing of the associated waste inside the state.

Georgia became a coal ash capital, home to over 90 million tons of waste in the communities where its plants stood.

"It's Like a Death That You Can't Get Over"

Power plants are notorious for driving down the value of nearby homes. But since the coal ash rule was finalized, GHN and ProPublica found that Georgia Power doubled the amount it had been previously paying to acquire land.

In the six years before Dec. 19, 2014, records show that Georgia Power purchased 12 properties for an average price of over \$4,000 per acre. In the nearly six years since the coal ash rule was finalized, Georgia Power bought about 75 properties for an average price of \$8,800 per acre — outpacing the growth of average real estate values in rural areas of the state. The company purchased a third of those properties for over \$30,000 an acre — and a handful for over \$100,000 an acre.

Ten days after the EPA finalized the coal ash rule, Georgia Power spent \$1.3 million to acquire 141 acres of land near Plant Bowen in the northwest part of the state. A four-acre sinkhole there had opened at the plant's coal ash pond years earlier, releasing over 2 million gallons of arsenic-laced ash and water into a tributary of the Etowah River. In the following years, the utility also purchased 32 acres near the Plant Arkwright site in Macon; 55 acres near Plant Wansley in west Georgia; and over 1,000 acres near Plant Scherer, the nation's largest coal-fired plant, in central Georgia.

The EPA does not require utilities to disclose purchases of land near coal ash storage sites. But environmental experts say Georgia Power's buying spree is larger than most previous residential land acquisitions by other utilities near their coal ash ponds in Florida, Indiana and North Carolina. Since December 2014, Georgia Power has acquired more land than the TVA did after its Kingston spill, according to property records. Unlike the TVA, Georgia Power has purchased land without the occurrence of a sudden catastrophe.

"It makes you wonder if they're trying to buy you out to get you gone," said Gloria Hammond, one of the last remaining property owners on Luther Smith Road, which runs along the northern edge of Plant Scherer.

Kraft, the Georgia Power spokesman, said the company "routinely purchases property around our generation plants." He declined to answer questions regarding the increase in purchase prices near the company's disposal sites since the coal ash rule was finalized.

At least one former neighbor of Georgia Power was required to sign a nondisparagement agreement. If the seller spoke negatively about the company — including any mention of prior concerns about groundwater contamination — the company could take that person to court.

After the sale, the seller, who spoke on the condition of anonymity, noticed Georgia Power post "no trespassing" signs outside the house. One of the company's crews razed the person's family home and sealed the drinking well on the property.

State law requires Georgia Power to seal unused drinking wells within three years to prevent accidents or illegal dumping. But environmentalists say the company should keep the wells open to monitor for potential contamination.

To this day, the seller worries about the long-term repercussions from living near the coal ash pond.

"It's been a nightmare," the seller said. "It's like a death that you can't get over."

Coal Ash Contaminants Spark Statewide Concerns

On days that Holland, the alcohol sales supervisor, drove his two daughters to school, he passed by the front gates of Plant Mitchell, which had operated for decades less than a mile from his home. A tree buffer along Old Georgia Highway 3, however, obscured his view of the coal ash ponds on site.

Although Holland didn't know it, some Georgia officials had long worried about the disposal of coal ash at Plant Mitchell. In the late 1980s, an investigator with the Georgia Environmental Protection Division, or EPD, visited coal plants across the state. At Plant Mitchell, the investigator documented evidence that "groundwater contamination is occurring via leachate from wastes generated on-site" and could impact nearly 2,000 people who "extensively" used drinking wells, according to records stored in state archives. Kevin Chambers, a spokesman for EPD, said current agency officials could not determine whether any efforts were made at the time to address those groundwater contamination concerns.

In 2015, Georgia Power shut down the power plant, which went online just after World War II. The utility left behind 2 million tons of coal ash waste stored on-site.

Around that time, Holland noticed "no trespassing" signs posted near a boat landing across the street from Plant Mitchell. A few years earlier, Holland and his father had been interested in buying a lot near the landing, which allowed access to the Flint River. He didn't think the land was worth much because the property flooded during heavy storms. When the owner said he wanted at least \$50,000, Holland didn't even bother to make an offer. It was too much, he thought.

This past March, Holland clicked on a news article shared by one of his Facebook friends. As he scanned the article, he read about residents in Juliette, the small central Georgia town where Plant Scherer is located. They suspected the waste left behind from burning coal had contaminated local groundwater, which supplied water to their homes through wells. They'd seen friends grow sick and family members die at a young age.

Curious, he began researching property sales. When he looked up Georgia Power's purchase of the property near the boat landing, he was floored to learn that it paid over \$340,000 for the land. He also noticed that the power company had purchased nearby properties for a total of over \$1.2 million, nearly four times the value appraised by the local tax assessor.

Worrisome thoughts soon raced through Holland's head. He was never approached by Georgia Power about his property. So he called his neighbors who sold land to Georgia Power. Then, he called a law firm. None offered the answers he needed. He thought about all the times his wife and daughters had consumed the water. Was his family in danger? he wondered. He needed to know.

He was desperate for answers.

"I'm not stupid," Holland told GHN and ProPublica. "If they're doing that, there's a reason for it."

More Contamination Evidence Disclosed After Property Sales

In a public hearing last year, Georgia Power CEO Paul Bowers said the company's focus "has always been on public health and safety, and ensuring we're compliant with the EPA rules and Georgia state rules." The

company has mailed informational packets to residents near Plant Scherer, claiming that "no evidence" exists that the ash pond is responsible for groundwater contamination.

But environmental experts said data recently released by Georgia Power is cause for concern. It shows that monitoring wells at Plant Mitchell and several other plants have registered the presence of contaminants in groundwater often found in coal ash ponds. The wells lie between the ponds and land recently acquired by Georgia Power.

Groundwater testing at Plants Bowen and Arkwright have revealed levels of cobalt and molybdenum, toxins linked to higher risk of liver damage and other health ailments, that exceed state groundwater protection standards. Another Plant Arkwright site test found levels of lithium, a chemical that can lead to neurological damage if consumed in large enough amounts. The levels are high enough to have triggered extra monitoring and the development of cleanup plans required by coal ash regulations.

Experts who reviewed the data at the request of GHN and ProPublica said it does not offer a definitive link between contaminants found in coal ash ponds and those detected in either monitoring wells or nearby private drinking wells.

Environmental advocacy groups such as the Altamaha Riverkeeper are testing private drinking wells near coal ash ponds in an effort to establish a stronger link. Over the past two years, the group has tested about a hundred private drinking wells near Plant Scherer. Those wells contained mercury, boron, calcium, sulfate and barium — all of which are potential indicators of coal ash contaminants.

Instead of moving away from areas in climate crisis, Americans are flocking to them. As land in places like Phoenix, Houston and Miami becomes less habitable, the country's migration patterns will be forced to change.

However, environmentalists noted, the swift sealing of drinking wells on the land purchased by Georgia Power will make it more difficult to establish such a link. The well closures may offer the utility protection from lawsuits by people claiming they have been sickened by contamination seeping from the coal ash ponds.

"This is a business decision," said Jesse Demonbreun-Chapman, executive director of the Coosa River Basin Initiative, an environmental advocacy group whose purview includes the waters adjacent to Plant Bowen. "You're cutting off liability for a waste stream they haven't controlled."

Georgia's Environmental Protection Division is expected to make a final decision on how best to close the unlined ash ponds when it issues closure permits sometime next year.

Chuck Mueller, the agency's land branch chief, said in a statement that any permit issued will require "a sufficient number" of monitoring wells to be installed so that coal ash contaminants "do not migrate beyond the permitted boundaries" of each plant site.

Unanswered Questions

This past summer, Holland couldn't stop thinking about the nearby ash ponds. Working from home at his dining room table, he wondered why a constant parade of 18-wheel trucks passed by his house coming and going from Plant Mitchell site. He grew more curious about the monitoring wells near the coal ash ponds along the side of Old Georgia Highway 3.

The more articles Holland read, the more he jotted down notes on his trusted yellow legal pad. He recorded a grim roll of contaminants: Hexavalent chromium. Arsenic. Lead. Mercury. He wrote down the name of a Juliette resident who sold his property to Georgia Power. Describing what Georgia Power did after some sales he read about, he wrote: "HOUSE BOUGHT. POURED CONCRETE IN WELLS." In July, 45 central Georgia residents sued the utility, alleging that Plant Scherer's coal ash contaminants contributed to health problems such as cancer, cardiovascular disorder and thyroid damage.

One day in early October, Holland received a phone call from Gordon Rogers, executive director of Flint Riverkeeper. Holland shared his concerns that the company's purchases may be hiding the true extent of contamination.

Rogers was reminded of similar conversations with other residents who lived near Plant Mitchell. Rogers hoped they'd find answers, starting with an upcoming well-testing campaign to determine the extent of groundwater contamination.

The prospect of future answers hasn't quelled Holland's present anxiety. Tests could help ease his worry. But only some. He still felt uneasy thinking of all the years his girls drank the water without worry.

"What if my daughters get sick 10 years from now?" he said with a sigh, sitting at his dining room table. "I'm scared of what can happen down the line."

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Superfund cleanup begins on stretch of Kalamazoo River choked by lake mud

KALAMAZOO, MI — Excavators are busy giving contaminated Kalamazoo River sediment the “spa treatment.”

Polluted black slop dug from a side channel at the old Crown Vantage landfill in Cooper Township is being mixed with concrete in the Sediment Preparation Area (“SPA”) before hazardous waste disposal trucks haul it away.

The Crown Vantage project is the first step in a new phase of Kalamazoo River cleanup, which will escalate next spring along an urbanized stretch that’s long awaited its turn with the type of remedial work that began years ago downstream in communities like [Plainwell](#) and [Otsego](#).

The goal is similar: remove sediment laden with carcinogenic and environmentally persistent chemicals called polychlorinated biphenyls, or PCBs; a toxic legacy of paper manufacturing that’s made fish unsafe to eat.

River advocates are happy to see the work begin. But their enthusiasm is dampened by a [new ecological crisis](#) on a stretch of river that’s been overwhelmed this year by an influx of impoundment sediment released by the Morrow Dam. They say the upstream silt is smothering the very ecosystem that excavations are trying to improve.

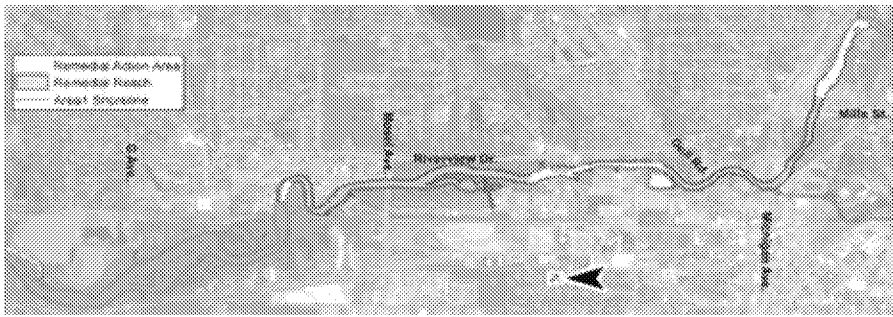
“It’s tragic,” said Cheryl Vosburg, director of the Kalamazoo River Watershed Council. “So much habitat has been ruined.”

“A lot of people are really unhappy about another tragedy befalling the Kalamazoo River,” Vosburg said.

Starting at Morrow Dam in Comstock Township, 77 miles of the river (and a three mile stretch of Portage Creek) are [listed on the U.S. Environmental Protection Agency’s Superfund roster](#) of the nation’s most contaminated sites.

The river’s remedial stretch is divided into seven sections. The stretch immediately downstream of Morrow Dam is called Area 1. The EPA identified several PCB hotspots in the stretch during past sampling, and Georgia-Pacific and International Paper Co. are conducting the cleanup under a 2017 EPA order.

“This is kind of the last area with PCB in-stream contamination we’re going to go after in this stretch,” said Jim Saric, EPA project manager.



An EPA map shows PCB-contaminated sediment hotspots in the Kalamazoo River marked for cleanup, shaded in yellow. Note: Map axis is tipped.

The first excavation is occurring now next to the old Crown Vantage landfill, where the backwater channel filled with 5,300 cubic yards of PCB sediment is being dug out.

“Side channels are important in a river system, just like floodplains are,” said Saric. “When the river goes up you want the water to get into a side channel or a floodplain. You need that connectivity. But you want it with clean material.”

Sediment removal will continue next year between the Verburg Park cove and boat launch downstream to the Kalamazoo wastewater treatment plant.

Upstream sediment removal will follow next to the city’s Mayors Riverfront Park and the Grand Elk Railroad yard, although that work could push to 2021, Saric said.

A horseshoe bend in Parchment will also be excavated.

The contaminated sediment is between two to eight feet below the surface in the excavation areas, Saric said. Excavators will likely sit atop barges as well as dig from a position on shore, depending on the situation.

The urbanized reach within the cities of Kalamazoo and Parchment has a slower velocity, which allows smaller sediment particles to drop more easily onto the riverbed. The fine sediment is where the PCBs reside, Saric said.

“There are a few areas where it’s right in the middle of the channel,” he said, which makes removal tougher.

Jeff Chamberlain, deputy Kalamazoo city manager, said the city is in regular communication with the EPA. “We do not anticipate any disruptions to the wastewater treatment plant’s processes, and our parks and recreation staff will coordinate with the EPA any activities near the parks,” he said.

The remedial work is further cleanup on a river that’s seen more than its fair share of it between legacy contamination and the 2010 Enbridge oil spill near Marshall.

Three capped paper mill landfills line the riverbanks between Comstock and Kalamazoo. Industrial and commercial backlot riverbanks are stabilized by rock in some spots to prevent further contamination from soil erosion.

Excavations are expected to be complicated by additional sediment accumulation this year following the downstream wash of impoundment sludge from Morrow Lake. Mudflats and bars have accumulated in every corner of the river after Eagle Creek Renewable Energy opened up the Morrow Dam gates late last year and drained the lake with little warning.

Eagle Creek has lowered the river several times this fall to repair spillway gates. Another drawdown is expected.

Natural resources officials and local fishermen say the mud accumulation is smothering wildlife habitat. It also likely means additional cost for those doing PCB-cleanup.

“The full impact on the Superfund site from the additional sediment released over the past year from Morrow Lake is still being assessed and may not be known for a while,” said Rick Kimble, a spokesperson for Georgia-Pacific.

“Beyond the impacts to the river ecosystem, it is clear that the additional sediment has complicated the cleanup efforts underway within Area 1 and is leading now – and will lead in the future – to higher cleanup costs.”

STS Hydropower, a subsidiary of Eagle Creek and its parent company, Ontario Power Generation of Canada, is surveying the river bottom and sampling certain downstream areas this fall at the direction of state and federal agencies.

Testing is occurring to see whether the impoundment washdown contributed additional PCB contamination to the river’s remedial stretch, said Saric.

“It hasn’t delayed our progress because we’ve done our project design, but it certainly is something we have to consider moving forward in some of these areas,” Saric said.

Vosberg is also awaiting a damage assessment.

The river has an “undeniable” history that can overshadow its natural beauty, she said. But there are people dedicated to restoring the waterway and elevating its place as an economic and ecological community asset for the community.

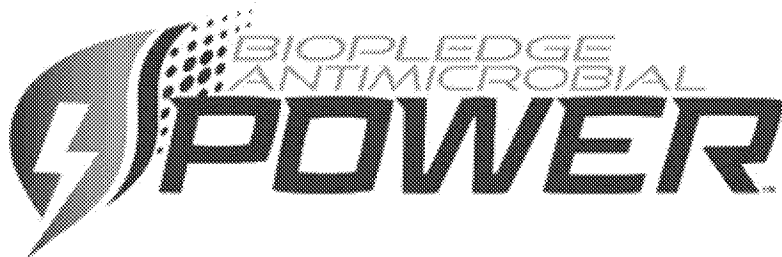
However, “it doesn’t help when trying to sell people on what a beautiful natural resource it is when you have miles of turbid water and sediment from Morrow Dam,” Vosberg said. “It continues to be a struggle to convince people it’s a great place when things like this keep happening.”

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New BioPledge Bleach And Alcohol-Free Daily Disinfectant Approved By EPA For Use Against COVID-19 Virus

BioPledge Antimicrobial POWER tested and proven effective to kill SARS-CoV-2 virus with a 3-minute surface contact time

FLOWER MOUND, Texas, Nov. 24, 2020 /PRNewswire/ -- BioPledge LLC announced today the U. S. Environmental Protection Agency (EPA) approval of BioPledge® Antimicrobial POWER™ healthcare disinfectant for kill claim=s against SARS-CoV-2 , the novel coronavirus that causes COVID-19, on hard non-porous surfaces. The new multi-purpose disinfectant and cleaner has been added to the EPA's List N under EPA Reg No. 91691-1.



Introducing BioPledge® ANTIMICROBIAL POWER™ - EPA Approved for Daily COVID-19 Disinfection

New BioPledge Bleach And Alcohol-Free Daily Disinfectant Approved By EPA For Use Against COVID-19 Virus

Now commercially available, the antimicrobial spray solution from Texas-based company, [BioPledge](#), BioPledge Antimicrobial POWER has been approved for daily use, after being tested and proven effective to kill the COVID-19 virus.

Eliminating 99.9 percent of SARS-CoV-2 virus (associated with COVID-19) in three (3) minutes, "BioPledge Antimicrobial POWER provides a valuable everyday tool to maintain a clean environment," said Alex Baranga, BioPledge President and Founder. "BioPledge is uniquely positioned to offer our healthcare disinfectant formula for broader use in automotive, commercial, healthcare, manufacturing, food service, education, mass transit and entertainment industries. Our mission is to provide peace of mind to help businesses get back to business, and the public back in public."

The EPA authorization has been afforded to BioPledge only after extensive review of independent lab testing data. Specific performance criteria to evaluate efficacy of products must first be met. The independent lab research for BioPledge Antimicrobial POWER was conducted by an ISO 17025 accredited independent lab with over five decades of experience.

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EPA plans draft risk assessment of ethylene oxide

WASHINGTON — As the U.S. Environmental Protection Agency pursues its mission to protect human health and the environment, addressing ethylene oxide (EtO) continues to be a major priority, the agency said in a news release.

As part of a cross-agency effort, EPA took the next step in its review of the pesticide registration for EtO by releasing a draft risk assessment for public comment. Based on EPA's review of the body of available information about EtO's toxicity, the agency believes that additional steps are needed to mitigate the risks associated with the use of EtO. EtO is used to sterilize certain medical equipment and spices.

"EtO is used on half of all sterilized medical devices in the United States annually and, in some cases, it is the only sterilization method available," EPA Office of Chemical Safety and Pollution Prevention Assistant Administrator Alexandra Dapolito Dunn said in the news release. "We look forward to receiving the public's input on our draft risk assessment so that we can strengthen safeguards for those who work in facilities that use EtO and those who live near facilities that use or manufacture EtO."

EPA regulates EtO's use as a sterilant, which is considered an antimicrobial pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act. Every 15 years, EPA evaluates a wide variety of potential human health and environmental effects associated with the use of a pesticide through the registration review process. As part of EtO's registration review, the agency is continuing to assess potential human health risks that come from working in facilities that fumigate with EtO, living in communities near EtO facilities, and consuming spices treated with EtO.

The draft risk assessment for the registration review presents multiple analyses that capture a wide range of possible levels of EtO that could affect a person's risk of getting cancer from long-term, chronic exposures to EtO, either in the workplace or through the outdoor air. Based on all available information about EtO's toxicity, EPA found that inhaling EtO over many decades can cause cancer risks of concern. Therefore, additional mitigation measures are necessary to protect the health of workers and surrounding communities.

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